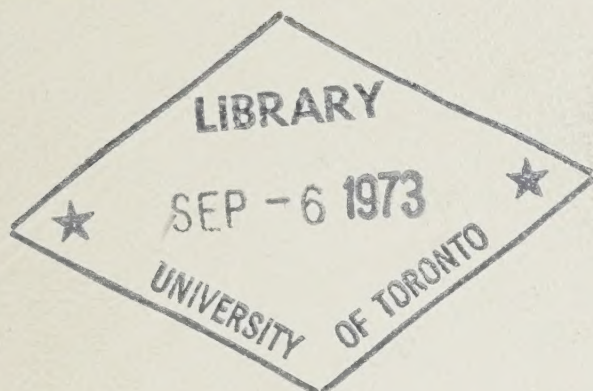


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DECISION-MAKING PROCESSES IN ONTARIO'S LOCAL GOVERNMENTS

with a summary of
9 SYSTEMS OF LOCAL DECISION-MAKING
in other Canadian Provinces,
the United States and England

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DECISION·MAKING PROCESSES IN ONTARIO'S LOCAL GOVERNMENTS ;

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9 SYSTEMS OF LOCAL DECISION·MAKING
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the United States and England

Paul Hickey, F.C.A.

MINISTRY OF TREASURY, ECONOMICS AND
INTERGOVERNMENTAL AFFAIRS



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Forward

The terms of reference of this Report were to examine the decision-making processes of the municipal governments of Ontario and of other jurisdictions and to identify "the most acceptable manner to organize the municipal councils and the chief officers in order that the legislative, executive and administrative needs of the municipalities may be carried out" and to develop recommendations to the Minister thereon.

In order to examine thoroughly the decision-making processes of the municipal governments, it was necessary to study the elements of the processes in each of the systems which was selected for study. These elements included,

- (a) the role of the elected members in the decision-making processes, including their organization,
- (b) the role of the appointed officers in these processes, including their organization,
- (c) the exercise of leadership among the members and among the officers,
- (d) the manner in which the policies of the councils are determined and the powers of the municipal corporations are exercised, and
- (e) the manner in which the policies of the council are executed and the corporations are administered.

In the preparation of the Report, the decision-making processes of Ontario's municipal governments and of local governments in other Canadian Provinces, the United States and England were analyzed and studied. Many reports, texts and documents were secured and studied.

During the Study, discussions were held with officers of local governments in Ontario, British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, the United States and England. Carefully prepared discussions were held in the United States with officers of the National Municipal League and in England with officers of the Institute of Municipal Treasurers and Accountants, the Association of Municipal Corporations and the Institute of Local Government Studies at the University of Birmingham.

The discussions with these officials and officers contributed immensely to the author's understanding of the problems and the issues that are involved in municipal government decision-making. They influenced greatly the manner in which the Study was conducted and the conclusions and the recommendations of the Report. The author is grateful to these officials and officers.

The Report commences in Chapter I with (a) a statement of conclusions concerning the decision-making processes in Ontario's municipal governments; (b) a discussion of the salient factors which influence decision-making in Ontario's municipal governments; and (c) statements of conclusions, from Ontario's point-of-view, with regard to the systems of other Canadian Provinces, the United States and England which were studied.

The Report proceeds in Chapter II to (a) identify the basic needs of municipal government decision-making in Ontario; (b) present the recommendations of the Report; and (c) describe 4 systems of municipal government decision-making which give effect to the recommendations.

The remainder of the chapters support the conclusions and recommendations. Chapter III is concerned with the head of the council and the chief administrative officer; Chapter IV is concerned with the delegation of the powers of the council; Chapters V to XI are concerned with the essence of Ontario's 5 systems; while Chapters XII to XXI are concerned with the essence of 9 systems in other jurisdictions.

For convenience, the following abbreviations are used throughout the Report: "CEO" for the term chief executive officer, "CAO" for the term chief administrative officer, and "CO" for the term chief officer (head of a department).

In order that the recommendations of the Report be meaningful, the author has attempted to be objective, critical and, at the same time, constructive.

If there are deficiencies in Ontario's systems of municipal government decision-making, (it is the conclusion of the Report that there are deficiencies) it is suggested that the prime reason for the deficiencies is that Ontario, in recent years, has allocated its resources, insofar as

municipal government is concerned, not to the processes of decision-making, but to other pressing problems with regard to municipal government such as structure, land use, finance, reporting, etc.

The author of the Report has been free to allocate only a portion of his time and energy to the examination of the processes and to the preparation of the Report. As Assistant Deputy Minister of the Department of Municipal Affairs until March 31, 1972, the author was required to allocate much of his time and energy to the affairs of the predecessor Department and to the three corporations of which he was and is a member.

Except for the availability of an officer during the early months of the Study, the Study has been conducted, and the Report has been prepared and written, by the author.

The author is very grateful to his secretary, Mrs. Edna M. Young, for the diligent and the patient service which she rendered during the many months of the Study and of the preparation of the Report.

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Conclusions and Their Development

INTRODUCTION

- 1 The Chapter commences with a list of the systems of local government decision-making that are described and discussed in the Report — 5 systems in Ontario, 2 in Quebec, 2 in Western Canada, 4 in the United States and England's historic system.
- 2 The Chapter is then divided into 3 parts.
- 3 Part 1 commences with a statement of 17 general conclusions that have been reached concerning Ontario's systems of local government decision-making and concludes with a list of the specific conclusions of the Study concerning these systems. The specific conclusions are taken, directly, from chapters III to XI.
- 4 In Part 2, the factors that influence the decision-making processes in local government are identified and discussed. The activities of Canada, Ontario and other jurisdictions in the development of new systems of decision-making that are designed to use to best advantage the time and energy of the elected representatives, the officers and the employees of the municipal corporations are discussed. In order to get at the essence of the decision-making processes, Part 2 concludes with an analysis of the nature of the mandate given by electors to councillors and of the components and the elements of the decision-making processes. *Part 2 of the Chapter is, particularly, significant!*
- 5 Part 3 presents a statement of the specific conclusions of the Report concerning the 9 systems of local government decision-making in other jurisdictions that were studied during the preparation of this Report. The conclusions are taken, directly, from chapters XII to XXI.

SYSTEMS OF DECISION-MAKING ANALYZED

- 6 Ontario's municipal decisions are made within the framework of 5 systems of decision-making, namely, the
- council-no committee-no CAO system,
 - council-one or more committees-no CAO system,
 - council-no or very few committees-a CAO system,
 - council-board of control-committees-no CAO system, and
 - council-chairman-executive committee-committees-no CAO system.
- 7 The detailed study of these 5 systems commences in chapters III and IV with a discussion of aspects of decision-making that are common to all of the Ontario systems, namely,
- (a) the roles of the persons who are the heads of the councils and the chief administrative officers of the municipal corporations (Because of the unique and significant position of the chairman of the council of Metropolitan Toronto, chapter III contains a description and discussion of the duties which the chairman is expected to perform and the comparison of these duties with those of the head of the council in other major municipalities in Canada, the United States and England) and
 - (b) the delegation of the powers of the corporation.

Statements of conclusions and recommendations are made at the end of each of these chapters.

- 8 The decision-making processes in each of the systems that are listed in paragraph 6 are described and discussed in detail in chapters V to XI.
- 9 In chapter V the elements in the municipal decision-making processes of the Ontario systems are identified; while in chapter VI summaries are presented that analyze Ontario's local municipalities, according to the 5 systems, by population range and by percentage of the municipalities in each population range that use each of the 5 systems.

9a In chapters VII to XI the elements in the decision-making processes within each of the 5 systems are described and discussed in detail. The powers, duties and role of the council, the mayor, the standing administrative committees of the council, any special or ad hoc committees of the council, including a board of control and a metropolitan and regional executive committee and the officers are described and discussed. The thoroughness of the description and discussion in each of the systems depends upon the significance of the system. These descriptions and discussions are not repeated, of course, in this Chapter. Each of the chapters ends with a statement of conclusions and a statement of recommendations.

10 The Study, in order to permit comparison and appraisal of Ontario's 5 systems of municipal decision-making, then proceeds to describe and discuss in chapters XII to XX, 9 other systems – 2 in Quebec, 2 in Western Canada, 4 in the United States and England's historic system of local government. The 9 other systems are as follows:

Quebec's

- Council-manager system, and
- Council-mayor-executive committee-CAO systems

Western Canada's

- Council-commissioner system, and
- New City of Winnipeg system

United States'

- Council-weak mayor system
- Council-manager system
- Council-strong mayor system, and
- Council-chief administrative officer system

England's

- System of local government

Each of these 9 chapters ends with a statement of conclusions.

11 Because of the interest in Ontario in party politics at the municipal level, the Study concludes in chapter XXI with an outline of the workings of party politics in local government in England and the manner in which local political groups control the local decision-making processes.

Part 1

CONCLUSIONS CONCERNING ONTARIO'S SYSTEMS

GENERAL CONCLUSIONS CONCERNING ONTARIO'S 5 SYSTEMS

12 The general conclusions concerning Ontario's 5 systems of municipal government decision-making arise from two sources, namely:

- (a) the study of Ontario's 5 systems, and
- (b) the study of 9 other systems.

12a Of the 17 general conclusions that are presented in this section, the first 10 arise from the study of the Ontario systems, while the last 7 arise from the study of the other systems.

1

Majority of the municipal governments are not viable

13 The great majority of the municipal governments of Ontario (the population of 472 of them is less than 2,000) are not viable because of inadequate human, financial and other resources and because of their inability to cope with the administrative requirements that are imposed on them by statute, regulation and otherwise. In these circumstances, it is not realistic for the Province to attempt to strengthen the great majority of the municipal governments or to increase the effectiveness of their decision-making processes.

13a *There is an urgent need for Ontario to reduce, substantially, the number of municipal governments.*

2

Local governmental structure is extremely complex

14 The structure of the municipal governments is extremely complex because of the wide dispersal of the local governmental powers among a very large number of municipalities, local boards and agencies and because of the vast volume of laws, regulations and instructions that have been enacted or issued and that provide the powers and duties of the municipalities, local boards and agencies. Because of such a structure, the determination of the responsibilities of the elected members by the electors is almost impossible! For instance, in the case of the City of Hamilton, the local governmental powers are exercised by a council with a mayor, board of control, 12 administrative committees, 9 ad hoc committees and 15 departments; 2 elected local boards; 8 other local boards or agencies; 4 City of Hamilton-County of Wentworth committees or agencies; 3 agencies of the council and of the Government of Ontario; and 2 agencies of the council and of the Governments of Ontario and Canada. Such a structure gives rise to a lack of unity and cohesion. Decision-making is complicated and is time-consuming and, therefore, it is costly.

14a *There is an urgent need for Ontario to adapt the local governmental processes to the needs of our time by (a) transferring local governmental powers from local boards and agencies to councils, (b) simplifying the requirements that are imposed on the municipalities, local boards and agencies by ministries and agencies of the Province and (c) clarifying the role of the elected members and the appointed officers.*

3

Accountability of members to electors is not adequate

15 A reasonable degree of accountability of elected members to electors is an essential element of local self government. However, if accountability is to be established, the powers and duties of the members must be allocated in a manner that may be understood, readily, by the electors – with a minimum of shared responsibilities or overlapped jurisdictions. Unfortunately, in Ontario's local governmental structure (the municipalities, local boards and agencies), there are many shared responsibilities and many overlapped jurisdictions. In addition, the powers and duties that are allocated to the members are not realistic and are not stated in a clear manner that may be understood by the electors!

15a *There is an urgent need for Ontario to increase, sharply, the accountability of the members to the electors.*

4

Equality and unity do not exist in many councils

16 The powers of the members of many councils are not equal. Special and unusual powers are granted to some members, but not to other members. A separation of powers is a characteristic of many of the larger local governments.

16a There is a lack of unity in the councils because the members of a great many of the councils establish systems of administrative committees that are composed of a portion of the members – in some of the large and largest of the local governments, under the terms of the statutes, some of these committees are granted special and unusual powers, i.e. a board of control or some of the executive committees. These committees are established in order to permit the members to (a) retain and exercise the administrative powers of the corporation, (b) supervise the COs and (c) direct the administrative affairs of the departments.

16b These administrative committees not only destroy the equality and unity of the councils, but they also divert the bulk of the time and energy of the members from matters of management and representation to matters of administration.

16c *There is an urgent need for Ontario to grant equal power to all of the members of the councils; to maintain the unity of the councils to the fullest extent practicable during the discussion and the resolution of the business of the councils; and to ensure that each committee of a council (including an executive policy committee) is responsible to, and is responsive to, the council.*

5

Confusion between the duties of the heads of the councils and the CAOs

17 There is confusion between the statements in The Municipal Act of the duties of the head of the council and the duties that a council may assign to a CAO. The heads of the councils, for instance, of Metropolitan Toronto and of some of the regional municipalities, in spite of the silence of the statutes, are expected to assume the duties of a CAO, in addition to the duties of the head of the council, the leader of the council and a leader of the local community. The statement of the duties of the head of the council has never been appraised, critically and constructively, in the light of the needs of the office.

17a *There is an urgent need for Ontario to (a) clarify and strengthen the office of the head of the council, (b) encourage in the statutes the heads of the councils to exercise leadership in the councils and in the local communities and (c) eliminate the need to impose the burden of the administrative duties of a CAO on the heads of the councils by providing in the statutes that every council shall appoint a CAO and by providing, in general terms, the duties that shall be, and the duties that may be, assigned by a council to the CAO.*

6

Time of the members is diverted from their prime duties

18 One of the prime weaknesses of many of the Ontario municipal governments, in this era of increasing concern for human values and human needs, is the weakness of their management and representation processes. The bulk of the time and energy of the members is diverted from the processes of management and representation, such as the determination of the goals, objectives, priorities and policies of the corporations and the increasingly difficult areas of representation and of inter-governmental affairs to much less significant, highly technical and time-consuming matters of day-to-day administration, such as co-ordination, the supervision of the COs and the administrative and technical details of the departments.

18a *There is an urgent need for the members to direct their time and energy, primarily, to matters of management and representation; and to assign, subject to the policies and directions of the council, matters of administration to the officers.*

7

Delegation of powers of councils to officers is not authorized

19 The council of every Ontario municipal government must exercise all of the powers of the municipal corporation — legislative, executive and administrative. The significance of the exercise of these powers ranges from the significance of a decision to impose a rate of taxation, to the significance of a decision to purchase a bottle of ink! A council may not delegate either of these powers to the officers! The Municipality of Metropolitan Toronto, Ontario's largest municipality, is subject to the same law with regard to delegation as is the Village of Sturgeon Point in the County of Victoria, Ontario's smallest municipality with a population of 29 persons! Since the Ontario councils are not granted the power to delegate, Elton Mayo's historic dictum that "the locus of decisions should be at the lowest appropriate level — as close as feasible to the point where the action to be taken" may not be observed; and modern practices, such as "management by exception", may not be used. If the time and energy of the members is to be conserved for their prime duties and if the training and experience of the officers are to be used to best advantage, delegation of powers by councils to officers is essential.

19a *There is an urgent need for Ontario to authorize the councils to delegate powers to the officers.*

8

**Statutory statements of the duties
of members and officers are not adequate**

20 Two elements that are essential to a good local government are an effective policy-making group (the members) and an effective administrative group (the officers). If these two groups are to be effective, each member of each group must understand, thoroughly, not only his own duties, but, also, the duties of each member of the other group. Such understanding is not the case in Ontario's systems of local government! The statutory statements of the duties of the members and the officers (the "standing orders") are not based upon modern theories and practices and are not complete. The statements are old and they have never been appraised, critically and constructively, from the point-of-view of the needs of the management and administration and of the needs of the members and the officers.

20a The Report of the Committee on the Management of Local Government (England, Maud) contains a recommendation with regard to a division of duties between members and officers. The recommendation is as follows.

"We recommend that local authorities consider a division of functions and responsibilities between members and officers as follows: —

- (a) *ultimate direction and control of the affairs of the authority to lie with the members,*
- (b) *the members to take the key decisions on the objectives of the authority and on the plans to attain them,*
- (c) *the members to review, periodically, progress and the performance of the services,*
- (d) *the officers to provide the necessary staff work and advice so that members may set the objectives and take decisions on the means of attaining them,*
- (e) *the officers to be responsible for the day-to-day administration of services, decisions on case work, and routine inspection and control."*

20b *There is an urgent need for Ontario to enact definitive statements in the statutes of the duties of members and of officers that have been adapted to the needs of the two groups and that provide guidance, and an element of leadership, in place of confusion and uncertainty!*

9

**Systems of integrated administration
at the officer level are not established**

21 As indicated in paragraph 16a, the members of the great majority of the municipal governments retain and exercise much of the administrative responsibilities of the municipal corporations. One of the results of this decision of the members is indicated in paragraph 18, namely, the bulk of the time and energy of the members is diverted from matters of management and representation to matters of administration.

21a There is a second, extremely significant, result of the decision; namely, the officers are not assigned the responsibility to administer the day-to-day affairs of the corporations and their departments in accordance with the policies and directions of the councils by the establishment of systems of integrated administration at the officer level and, equally as significant, the officers are not held responsible to the councils for carrying out such responsibility! The results are that the training and experience and the time and energy of the officers are not used to best advantage and the systems are such that it is extremely difficult for officers to develop into fully-experienced administrators.

21b *There is an urgent need for the members to assign to the officers, the duty to co-ordinate, supervise and direct the day-to-day administrative affairs of the municipal corporations, subject to the policies and directions of the councils, by the establishment of systems of integrated administration at the officer level.*

10

Training of the officers in administration is essential

22 The local governments are immersed in the social and economic forces of change that are at work in society. Some of the local services are subject to many of the complex developments of modern technology, while other services are subject to the rapidly changing attitudes of many groups in the local communities. The officers must be trained in principles and practices of management and administration if they are to cope with these changes and if they are to serve the members and the municipal corporations, effectively, in this era of change. A training program for such a purpose has not been established in Ontario. Such programs have been established for the civil servants of Ontario and Canada and for the officers, for instance, of the local authorities in England. Such programs are stressed and insisted upon in the private sector.

22a There is an urgent need for Ontario to give the officers of Ontario's municipalities the opportunity to secure a thorough training in the principles and practices of management and administration in the public sector.

11

**There is not a statement of the goals
and objectives of the municipal governments**

23 The great dilemma of municipal government in Ontario is the determination of the proper roles of (a) the ministries and agencies of the Province and (b) the municipalities, the local boards and agencies in the provision of local governmental services to the public; and the reconciliation of the conflicts in the management and administrative processes between the demands of the democratic element and the demands of the efficiency element of municipal government. The existence of this dilemma is a detriment to the development of responsive, effective and efficient municipal governments and to the electors' understanding of the affairs of these municipal governments!

23a There is an urgent need for Ontario to come to grips with this dilemma by research and discussion and to issue, preferably in the statutes, a definitive statement of the goals and objectives of the municipal governments.

12

The nature of the role of the members has been changing rapidly

24 The nature of the role of the Ontario municipal governments, particularly, the role of the larger municipal governments, has been changing rapidly! These governments are "in the front lines". They are subject to the full impact of the forces of change — social and economic! Therefore, it follows that the nature of the role of the elected members of these governments has been changing, rapidly, also.

24a There is an urgent need for Ontario to appraise, critically and constructively, the nature of the role of the members and the manner in which the members in each of Ontario's 5 systems of local government decision-making are required to (a) exercise the legislative, executive and administrative powers of the municipal corporations and (b) carry out their duties to the electors and to the public.

13

**There is not a clear recognition
of the roles of members and the officers**

25 The statements of the duties of the members and the duties of the officers are not complete. They are not adequate. They do not recognize and define, realistically, the role of the members or the role of the officers. One of the vital duties of the councils is to investigate, criticize and, ultimately, control the administrative processes of the municipal corporations. However, many members do not appear to possess the capacity to restrict their activities to matters of management and representation and an appraisal and a surveillance of the administrative processes. In this connection, the Report of England's Committee on the Management

of Local Government expresses the following opinion. *“In any local authority the responsibilities of members and officers require definition. We believe that the lack of a clear recognition of what can and should be done by officers and of what should be reserved for decision by members, lies at the root of the difficulties in the internal organization of local authorities. Until members are prepared to change their attitudes towards their own functions and those of the officers, there is little prospect of any improvement in the effectiveness and efficiency of the organization.”* The statements of the duties of the members and of the officers in the statutes have not been appraised, critically and constructively, for many years.

25a *There is an urgent need for Ontario to develop an answer to the question “What can and should be done by the officers and what should be reserved for decision by the members?”*

14

Understanding between members and officers is very desirable

26 Two of the essential ingredients of effective municipal government are “good” members and “good” officers. If the members and officers are to be “good”, if the municipal governments are to be effective, the relationships between the members and the officers cannot be built, exclusively, on their legal relationships – the statutory statements of their powers and duties. Municipal governments function at their best, only, when the objectives of both the members and the officers are effective government and effective administration; when both the members and the officers respect each other’s role; and when there is a desire for understanding on the part of both the members and the officers.

26a *There is a need for Ontario to facilitate and to promote mutual respect and understanding between the members and the officers of the municipal governments.*

15

Ontario could learn from experiences of other jurisdictions

27 The development of Ontario’s systems of municipal government was influenced, to a great extent, by the theories and practices of the American council-weak mayor system. Of the medium to large American local governments that used the council-weak mayor system in the early years of this century, the great majority appraised the system, found the system to be inadequate to their needs and established either (a) a form of the council-manager system or (b) a form of the council-strong mayor system. Ontario has not appraised its systems! Ontario’s medium to large municipal governments, unlike many of the American governments of the same size, retain many of the elements of the American council-weak mayor system.

27a Systems of local government that have been developed and established, in recent years, in Canada, the United States and England, contain processes and practices that overcome many of the weaknesses of Ontario’s 5 systems. These processes and practices are described and discussed in many of the subsequent chapters of this Report.

27b *There is an urgent need for Ontario to study, thoroughly, the processes and the practices of local government in other jurisdictions (9 systems were studied in the preparation of this Report) in order to identify the most effective and efficient processes and practices and to make these available to Ontario’s municipal governments, either as amendments to The Municipal Act and other related Acts or as part of a program of education and training.*

16

Ontario’s municipal governments need a Glassco or a COGP

28 The decision-making processes and the administrative practices of Canada and of Ontario have benefitted from the findings and the recommendations of Glassco and of COGP. Ontario’s municipal governments, particularly, the larger and the largest of them, like the Governments of Canada and Ontario, are being buffeted by the forces of unprecedented change, and by “new values” and by “new life styles”! Their elected members, like the elected members of Canada and Ontario, are in need of a reduction in “the amount of detail work – required – so that they may concentrate their time, energies and judgment – on policy decisions”.

28a Jurisdictions such as Quebec, the western Canadian provinces, many of the American states and England, because of the rapidly changing role of their local governments, the increasing impact of technology, the theories of management and administration and for other reasons, have undertaken, in recent years, thorough studies into the decision-making processes of their local governments and have introduced, as a result, new principles and practices. Ontario has not undertaken a single major study into this extremely significant aspect of its municipal governments.

28b *There is an urgent need in Ontario for the rise of a strong force that will (a) document the need for a thorough evaluation of the decision-making processes of the municipal governments, (b) allocate substantial resources to research into these processes and the related administrative practices and (c) direct the introduction of reforms with the co-operation and participation of the members and officers of the municipal governments.*

17

Leadership and initiative are needed

29 TE&IA's predecessor in municipal government – DMA – did not exercise leadership and initiative in the appraisal of the decision-making processes and of the related administrative practices and procedures of the municipal governments. DMA's emphasis, in response to the demands of the '50s and the '60s, was on the structure of the municipal governments (Ontario is recognized as one of the most progressive jurisdictions in the world in this aspect of local government) and not on the management and administration of the municipal corporations.

29a *There is an urgent need for Ontario to exercise leadership and initiative in the appraisal of the decision-making processes and the related administrative practices and procedures of the municipal governments and to allocate substantial resources thereto.*

SPECIFIC CONCLUSIONS CONCERNING ONTARIO'S 5 SYSTEMS

34 As indicated earlier, Ontario's 5 systems of local government decision-making are described and discussed in chapters III to XI. Chapters III to VI are concerned with certain characteristics that are common to all of the systems, while chapters VII to XI are concerned with the individual systems.

35 Conclusions are drawn, usually, at the end of each chapter. The conclusions are reproduced, verbatim, in the subsections of this section.

The head of the council, chapter III

36 The statement of the duties of the head of the council in section 211 of The Municipal Act should be deleted and another section that strengthens and clarifies the role of the head of the council should be substituted. The section to be substituted should

- (a) state, clearly, that the first duty of the head of the council is to lead, to initiate and co-ordinate the work of the councillors and the officers in the development and formulation of policy, and to be a leader in the local community,
- (b) state, clearly, that the duties of the head of the council include the duty to represent the council on occasions of ceremony and hospitality, and
- (c) eliminate the present conflict between sections 211 and 214a of The Municipal Act with regard to the supervision of the officers.

The section to be substituted should be made applicable to the metropolitan, regional and district municipality acts and to the City of Thunder Bay.

The term "chief executive officer", chapter III

37 The reference to the head of the council as the CEO of the corporation should be deleted from the Ontario statutes. According to the generally accepted use of the term CEO in Ontario, a policy-making body delegates to the CEO "unrestricted powers" to control and to direct the officers in the management of a company or an enterprise, subject to the policies of the

policy-making body. In an Ontario municipality, the policy making body – the council – is not authorized to delegate power to the head of the council nor is the head of the council authorized to control and to direct the officers in the management of the corporation. Therefore, the statement that the head of the council is the CEO of the corporation, as the term CEO is used in Ontario, is not, in fact, correct.

37a If a comparison is to be made between the role of the head of the council and the role of officers of companies or enterprises, in the private sector, the comparison should be made between the head of the council and the chairman of the board of directors of a company; rather than between the head of the council and the CEO of a company. The prime role of both the head of the council and the chairman of a board of directors is to exercise leadership in the determination of policy, in the approval of proposals and in the appraisal of results. The prime role of the CEO is the leadership, co-ordination and direction of the officers of a company in the management of a company, in accordance with the policies of the board of directors. The head of the council is not authorized to lead, co-ordinate and direct the officers.

The election or the selection of the head of the council, chapter III

38 The Ontario mayors and reeves should be selected, at the option of the local electors, either

- (a) by the council from among its members, in which case the head of the council should not be granted any special powers, or
- (b) by the electors, in which case the head of the council should be granted special powers to permit him to exercise a measure of effective leadership in the council and in the community.

The chief administrative officer, chapter III

39 The council of every municipality in Ontario should be required to appoint a CAO for the following reasons

- (a) it is essential that the head of the council be free to exercise leadership in the determination of the policies of the council, to approve and appraise proposals, to appraise results, to carry out his other public duties and not be burdened with administrative matters,
- (b) it is in the best interests of the council and the municipal corporation that the council appoints a CAO to lead, co-ordinate and direct the officers in the administration of the corporation, subject to the policies and directions of the council, and
- (c) it is essential that the role of the head of the council and the role of the CAO be stated, clearly, in the Statutes and that there not be conflict or misunderstanding, insofar as their respective roles are concerned.

Delegation of the powers of the council, chapter IV

40 A system of delegation of powers from the policy-making group to line managers or administrators is essential if an enterprise or organization, in the private or the public sectors, is to use the human resources that are available, effectively and economically.

41 Systems of delegation are in use in the Governments of Canada and Ontario, limited companies, the great majority of the organizations in the public and the private sectors including, because of “the sheer pressure of business”, local governments in many of the Canadian Provinces, the United States and England.

42 The most effective systems of delegation are based upon the “management by exception” principle, i.e. the responsible manager or administrator takes only those decisions that are within the policies of the policy-making group – he refers all other decisions to the policy-making group!

43 Insofar as Ontario’s municipalities are concerned, the most appropriate delegation of

executive and administrative powers by the council, in the medium to larger municipalities, would be to an officer or officers; and, in the largest municipalities, would be to a board of officers. This conclusion has been reached because such a system of delegation will

- (a) free the mayor and the other members of the council from the endless demands of administrative matters and, thereby, make it possible for them to allocate the bulk of their time and energy to the prime concerns of the municipality i.e. goals, objectives, policies, priorities, matters of representation, public conflict, etc.
- (b) maintain the unity of the council and “establish a systematic and co-ordinated approach to the administration of the municipality’s affairs”, including a system for the leadership, co-ordination and direction of the officers and employees, at the officer level (An integral part of the system is a delegation of powers from the council to officers) and
- (c) bring to the administrative affairs of the municipal corporation the knowledge and experience of a CAO and a group of officers with the skills and judgments that are needed by the municipalities.

Council-no committee-no CAO system, chapter VII

44 The 400-odd small municipalities that use the council-no committee-no CAO system are not viable – administratively, financially and from a decision-making point-of-view! On the basis of the services that these municipalities provide to the public (after so many services have been transferred to regional, district, or county municipalities, or to inter-municipal local boards), their continuation is not warranted!

44a It is extremely difficult to attract to the service of these exceedingly small municipalities the human resources that are needed – either as elected representatives or as employees of the municipal corporations!

45 It would be an academic exercise to study, systematically and thoroughly, the decision-making processes in these small local municipalities! The formal and informal relationships between the members of the council and the employees are blurred and confused and, therefore, a study of their elements of decision-making would not be meaningful!

46 The feasibility of an educational and training program that would be designed to improve the knowledge, skills and relationships between the elected representatives and the employees of these small municipalities is questionable, indeed. It is extremely doubtful if the members of the councils would participate in, and support, such a program (particularly, in the municipalities which are most in need of such a program). The level of the basic training of the great majority of the employees, and their commitment to the service of local government, would not warrant the time, energy and money that would be required.

47 The statements in The Municipal Act of the duties of the statutory officers of the municipal corporations, such as those of the clerk and the treasurer, should be deleted and modern, realistic statements of the duties of these officers should be enacted.

48 The acceptance of the recommendations of chapter III concerning (a) the duties of the head of the council; (b) the statutory statement that he is the chief executive officer of the municipal corporation and (c) his election or selection; and (d) the appointment by the council of a CAO, would contribute to an improvement of the decision-making processes of the larger municipalities of this Chapter.

Council-one or more committees-no CAO system, chapter VIII

(The use of committees of the council is discussed in this Chapter)

49 In the interests of the public, the municipal corporations, the elected representatives and the officers, a system of administrative committees of the council, with the authority to supervise the officers and direct the administrative affairs of the municipal corporation, should not be appointed by the council of an Ontario municipality.

50 If, because of the range, number and complexity of the matters to be decided by a council, the council cannot conduct all of its business in regular meetings of the council, a committee of the whole council should be established to discuss and resolve, informally, the business of the council, prior to its submission to the formal meetings of the council.

51 If, because of the range, number and complexity of the policies that must be established or revised by the council, the business of the council cannot be discussed and resolved by the use of a committee of the whole council, a system of committees should be established; however, the time and energy of these committees should be allocated to matters of policy and representation but not to matters of administration.

52 The practice of the Ontario councils of establishing a system of administrative committees of the council would be eliminated, if all concerned had a clear understanding of, and recognized, “what should be reserved for decision by the members of the council and what can and should be done by the officers”.

53 If the conclusions concerning the establishment and use of committees of the council are to be effective, it is essential that the councillors allocate many of their present administrative duties to a CAO and that the CAO be instructed by the council to establish, under the control and direction of the council, “a system of co-ordinated administration at the officer level”.

54 The acceptance of the recommendations (a) of chapter III concerning the duties of the head of the council, the statutory statement that he is the chief executive officer of the municipal corporation, his election or selection and the appointment by the council of a CAO; (b) of chapter IV concerning the delegation of the powers of the council; and (c) of chapter VII concerning the statements of the duties of the statutory officers, would contribute to an improvement of the decision-making processes of the larger municipalities of this Chapter.

Council-no or very few committees-a CAO system, chapter IX

55 The system is simple and is understandable by the electors and the general public, with the result the electors are in a position to determine the responsibility and the accountability of the councillors to the electors.

56 Busy persons with ability and experience are attracted to local public office under the system, because the duties of the councillors and officers and the decision-making processes have been rationalized.

57 The distinguishing features of the council-no or very few committees-a CAO system are as follows:

- (a) A recognition by the councillors of the need to
 - (i) allocate the time and energy of themselves and the officers and employees of the municipal corporation to the best advantage, and
 - (ii) allocate their time and energy, primarily, to the prime concerns of the municipality and not to the supervision of the officers and the administrative affairs of the municipal corporation.
- (b) The decision of the councillors
 - (i) to free themselves for the prime concerns of the municipality by the appointment of a CAO,
 - (ii) to re-establish the unity of the council by setting up a committee of the whole council to discuss and resolve the business of the council and to abandon administrative committees of the council,
 - (iii) to enact a procedure by-law that describes, clearly, the duties of themselves, the CAO and the COs,
 - (iv) to insist that carefully prepared reports from the CAO and the COs be prepared and be presented to the council before an item is presented, formally, to the council for a decision, and

- (v) to insist that the CAO and the COs, in the exercise of their administrative duties, use the “management by exception” principle, i.e. if a matter that comes before an officer is within the policies of the council – the matter be disposed of by the officer; if the matter is not within the policies of the council – the matter be referred by the CAO, with a report of the CO involved, to the council for a decision.

58 The system is based upon the principle that the councillors “manage” the affairs of the municipal corporation – they take the decisions; while the officers carry out the decisions – they administer the affairs of the corporation.

59 Two of the conditions that are essential to the success of the council-CAO system are

- (a) the duties of the councillors, the CAO and COs be logical and be stated, clearly, in a procedure by-law, and
- (b) the relationships between the councillors, the CAO and the COs be co-operative, helpful, understanding and they operate as a team – with common goals and objectives!

60 The morale of the COs is enhanced because of the system’s use of many of the principles of modern management, such as “management by exception”.

61 The acceptance of the recommendations (a) of chapter III concerning the duties of the head of the council, the statutory statement that he is the chief executive officer of the municipal corporation and his election or selection; (b) of chapter IV concerning the delegation of the powers of the council; and (c) of chapter VII concerning the statements of the duties of the statutory officers; would contribute to an improvement of the decision-making processes of the municipalities of this Chapter.

62 The confusion in The Municipal Act and other related acts with regard to the duties of the head of the council and the CAO is one of the reasons for the non-establishment of the Ontario council-CAO system.

63 Relatively few Ontario councils have appointed a CAO (50 of 946 municipalities). Of these councils, the majority retain the administrative duties of the corporation and do not take advantage of the services of the CAO and the COs to authorize the establishment of “a system of integrated administration at the officer level”. Of the CAOs who have been appointed, the majority are required to carry out the duties of another office of the corporation, in addition to the duties of CAO.

Council-board of control-committees-no CAO system, chapter X

64 The council-board of control system is indigenous to Ontario. The system’s most unusual feature is the board of control which, essentially, is an “elected executive” committee of the council. The system is almost unique in the world – the only other local governments that are similar are to be found in certain sections of Switzerland.

65 The provisions of the Statute with regard to the board of control are identical, almost, to what they were 69 years ago.

66 The distinguishing features of the council-board of control system are as follows:

- (a) The council is composed of two separate and distinct groups – one of the groups, the board of control, is elected at large and is granted special and unusual powers; while the other group, the councillors, is elected by ward and is not granted special and unusual powers.
- (b) A system of administrative committees of the council is established.
- (c) A system of co-ordinated administration at the officer level is not established.
- (d) The local governmental powers are dispersed, very widely, between the council and a large number of local boards and agencies.
- (e) The structure of the corporation and the local boards and agencies is extremely complex.

- (f) The nature of the powers and duties of the three classes in the council gives rise to conflict and rivalry and to a lack of unity and loyalty in the system.

67 The great majority of the municipalities that have established the system have done so, essentially, because the applicable provisions of The Municipal Act were mandatory and alternatives were not available. These municipalities have displayed surprisingly little criticism of the special and unusual powers of the board of control. However, 16 of the 25 Ontario councils that are required to, or are authorized to, establish the system, or 64% of them, have sought, and obtained, approval to reject the system!

68 Unlike the chairman of the council of the metropolitan and some of the regional municipalities, the mayor in the council-board of control municipalities does not attempt to assume responsibility for the duties of a CAO of the corporation.

69 The council retains and exercises all of the administrative powers of the corporation by the establishment of a board of control and a system of administrative committees. The members of the board and of the committees allocate their time and energy, primarily, to the administration of the corporation, including the supervision of the COs. The board of control is the chief administrative agent of the council – this responsibility is not assigned to a CAO, to a board of officers or to a committee of officers – to be carried out under the control and direction of the elected members.

70 One of the prime characteristics of the system, as in all bi-cameral or two-group systems, or in systems where there is a separation of powers, is that rivalry and conflict exist between the members of the two groups in the council – actually, there are three groups in the council because one of the groups, the board of control, is, itself, comprised of two groups, namely, the mayor and the controllers.

71 The distribution of the local governmental powers in a council-board of control municipality is extremely complicated. Therefore, the practices and the procedures that are required to meet the needs of the system are complicated and time-consuming and, consequently, costly.

72 The provision in The Municipal Act that requires a 2/3rds vote of all of the members of the council, if certain of the recommendations of the board of control are to be altered or rejected, is unwarranted and unnecessary and offends against one of the basic concepts of democracy! One person, one vote!

73 Because of the dispersal of the local governmental powers, not only among a large number of local boards and agencies, but, also, within the council, itself; the council-board of control system is in great need of unity, cohesion and loyalty.

74 Similarly, because of the dispersal of the local governmental powers under the system and because of the incredibly complicated organization structure, it is not possible for the electors to determine responsibility and, therefore, accountability, for the exercise of the local governmental powers. What is the result? Public confusion! Public apathy!

75 On the assumption that the intent of the applicable legislation is that the board of control be the executive committee of the council, the legislation does not meet the need of a modern, progressive municipality for such a committee.

76 The system is wasteful of the relatively few persons who are prepared to be candidates for local public office. The unsuccessful candidates for the office of mayor and, also, the unsuccessful candidates for the office of controller, are lost to local public office. Frequently, these candidates are the most diligent and experienced members of the council.

77 One of the most serious disadvantages of the system is that, not only a candidate for mayor, but, also, a candidate for controller, must be able to finance the cost of an election at large. Many potential candidates cannot do so from their personal resources and do not wish to do so from the contributions of others – particularly of special interest groups!

78 Because there are three classes of members in the council the system does not lend itself to the establishment of local party politics. Unity in the council is essential to effective local party politics!

78 The board of control co-ordinates and directs the COs in the administration of the departments. This specialized, difficult and time-consuming duty is not assigned to a CAO, to a board or committee of COs or to a strong mayor. This feature of the system raises the question “If the decisions of the council are to be taken by well-informed members, if the corporation is to be administered, effectively, should the responsibility for the co-ordination and the direction of administration be assigned by the council to a committee of its members or to a CAO or a board or committee of CAOs? ”

79 The acceptance of the recommendations of,

- (a) Chapter III concerning
 - (i) the duties of the head of the council,
 - (ii) the statutory statement that he is the chief executive officer of the corporation,
 - (iii) his election or selection, and
 - (iv) the appointment by the council of a CAO, and of
- (b) Chapter IV concerning
 - the delegation of the powers of the council, and of
- (c) Chapter VII concerning
 - the statements of the duties of the officers, and of
- (d) Chapter IX concerning
 - (i) a revised statutory statement of the duties of the CAO,
 - (ii) the promotion of the adoption of the Ontario-council-CAO system (the system is ideal for the smaller of the municipalities that, at present, use the council-board of control system) and
 - (iii) the development of facilities to train municipal officers,

would contribute, greatly, to an improvement of the decision-making processes of the municipalities of this Chapter.

80a The following question has not been asked, nor has it been answered, with regard to the council-board of control municipalities, namely, “What powers and duties of the municipal corporation should be retained and exercised by the members of the council and what powers and duties should be delegated and assigned to the officers, to be exercised subject to the policies and the direction of the council? ”

Council-chairman-executive committee-committees-no CAO system, chapter XI

81 Metropolitan Toronto’s council-chairman-executive committee-committees-no CAO system (which has been adapted to the needs of Regional Ottawa-Carleton) was “an interim product of conflict and compromise, between the central city demanding full-scale amalgamation of all neighbouring communities and its adjacent suburbs insisting upon retaining their local autonomy”.

82 Metropolitan Toronto’s system is, essentially, a combination of the structure of Ontario’s county municipalities and its council-board of control-committees-no CAO municipalities.

83 The distinguishing features of the system are the same as those of the council-board of control system (paragraph 154 of chapter X), with two exceptions, namely

- (a) the method for the selection of the council (adapted from the Ontario counties) and
- (b) a chairman of the council – who assumes the duties of the CAO of the corporation in addition to the duties of the head of the council, the leader of the council and a leader of the community.

84 The prime function of a member of the Metropolitan Toronto council, excluding the chairman, is to (a) be a delegate from one of the area councils to the metropolitan council, (b) represent the interests of his area municipality and (c) reconcile the interests of each area municipality with the interests of the entire area.

85 The chairman of the council is the head of the council, but unlike the head of the council of other municipalities, the duties of the chairman, as the head of the council, are not described in the Statute.

86 The chairman of the council is the head of the council and the leader of the council. In addition, he is expected to be a leader of the local community and the CAO of the metropolitan corporation. In other major local governments in Canada, the United States and England, the work of the chairman of the council of metropolitan Toronto is the work of two, and in some cases, three persons. The imposition of such an extremely heavy workload is not in the best interests of the person who is chairman, the other members of the council, the COs, the corporation nor, of course, the citizens of the area.

87 It is questionable, to say the least, if any person possesses the time and energy to assume responsibility (a) for the initiation of the goals, objectives, priorities, policies, etc. of a major municipality in the 1970s, (b) to lead the council in the formulation of these prime concerns and, at the same time, (c) to lead, co-ordinate and direct the COs of such a municipality, with their diverse and complicated problems.

88 Insofar as the remainder of the elements of the Metropolitan Toronto system are concerned, many of the conclusions of chapter X with regard to the council-board of control system are applicable to the system. The following conclusions of chapter X are, particularly, applicable.

- (a) The system diverts the time and energy of the members from matters of policy to matters of administration.
- (b) The 2/3rds-vote-requirement with regard to the recommendations of the executive committee is unwarranted and unnecessary.
- (c) The system's separation of powers gives rise to unnecessary conflict.
- (d) The practices and procedures of the system are complicated, time-consuming and, therefore, costly.
- (e) The duties of the executive committee, according to the applicable Statute, do not include the most significant duties of an executive committee or a finance committee of the council.
- (f) A system of integrated administration at the officer level has not been established and, as a result, the members of the council including, in particular, the chairman of the council, are required to allocate the bulk of their time and energy to the supervision of COs and to matters of administration, rather than to matters of policy, representation, etc.
- (g) The system of administrative committees of the council possesses the disadvantages of such committees that are identified and discussed in chapter VIII.
- (h) There is a void in the co-ordination of the COs. Some COs report to the executive committee. Other COs report to the administrative committees. COs do not report to the chairman of the council. They do not report to a CAO. The reporting of the COs is confused – this is an extremely significant weakness!
- (i) Because the council does not possess the power to delegate any of its executive and administrative powers, the principles of "management by exception", which are used in other systems of local government decision-making in Canada, the United States and England, may not be used in Metropolitan Toronto and, as a result, the time and energy of the elected members and the officers are not used to best advantage.

89 The workload of the members of the executive committee of the council is exceedingly heavy. The nature of the workload, the extent of the workload and the desirability of the workload should be examined, thoroughly.

90 The following question has not been asked, nor has it been answered, insofar as Metropolitan Toronto's system of decision-making is concerned, namely, "What powers and duties of the municipal corporation should be retained and exercised by the members of the council and what powers and duties should be delegated and assigned to the officers, to be exercised, by them, subject to the policies and the directions of the council? "

91 The acceptance of the recommendations of

- (a) Chapter III concerning
 - (i) the duties of the head of the council
 - (ii) the statutory statement that he is the chief executive officer of the corporation, and
 - (iii) the appointment by the council of a CAO, and of
- (b) Chapter IV concerning
 - the delegation of the powers of the council, and of
- (c) Chapter VII concerning
 - the statements of the duties of the officers, and of
- (d) Chapter IX concerning
 - (i) a revised statutory statement of the duties of the CAO, and
 - (ii) the development of facilities to train municipal officers, and of
- (e) Chapter X concerning
 - (i) the repeal of the powers of the executive committee of the council
 - (ii) the enactment of a modern, definitive statement of the powers and duties of the executive committee of the council
 - (iii) the transfer of the powers and duties of local boards and agencies to the corporation, and
 - (iv) TE&IA promoting, actively
 - the withdrawal of the administrative committees of the council
 - the establishment of a system of policy committees of the council to discuss and resolve business of the council
 - the concept that the councillors allocate the bulk of their time and energy to the prime concerns of the municipality and much less to administrative and technical details, and
 - the concept that the councillors assign to a CAO, with the assistance of the COs, the responsibility to establish a system of co-ordinated administration at the officer level, that is subject to the policies and directions of the council

would contribute, greatly, to an improvement of the decision-making processes of the municipalities of this Chapter.

Part 2

HOW THE CONCLUSIONS WERE REACHED

93 How were the general and the specific conclusions concerning Ontario's 5 systems of local government decision-making formulated?

94 The first task was to examine Ontario's local government structure in order to determine the elements of decision-making, to compile an analysis of the systems and a classification of the municipalities and to sketch out the decision-making elements of each system.

95 During this work the author had the benefit of (a) almost 25 years of service to local government in Ontario — as the first Supervisor of Municipal Accounting of the Department of

Municipal Affairs, as the Commissioner of Finance of the City of Hamilton and as Assistant Deputy Minister of the Department of Municipal Affairs under five Ministers and (b) a series of conversations with many Ontario municipal people, elected and appointed.

96 The second task was

- (a) to secure a “feel” for the factors that influence the decision-making processes, such as the goals and objectives of the municipalities, the unprecedented forces of change that are at work and the significance of politics, structure and controversy.
- (b) to examine the contributions of Canada, Ontario and others to the development of new processes for the taking of decisions that are adequate to the present day and that use the time of the elected members, officers and employees to best advantage and
- (c) to secure a clear understanding of the nature of the 3 components and the 6 elements of which the local government decision-making processes are composed.

All of these topics are discussed in Part 2 of this Chapter. *Part 2 is an extremely important part of this Report.*

97 The third task was to seek alternatives! Much literature was examined and studied. The author visited Quebec, Western Canada, the United States and England. The result is to be found in chapters XII to XXI – descriptions and discussions of 9 other systems of local government decision-making. The conclusions concerning each of these systems, as related to the needs of Ontario, are reproduced in Part 3 of this Chapter.

GOALS AND OBJECTIVES

98 What are the goals and objectives of Ontario’s local governments? Have these goals and objectives been researched, developed, discussed and published? The answer is no! Not by the Province! Not by the municipal associations! And, yet, it is, generally, recognized that the development of a definitive statement of the goals and the objectives of any organization is a prerequisite to a study of, and, ultimately, to a rationalization of, the decision-making processes of the organization.

99 The Province of Ontario, as the first step in the introduction of its system of planning-programming-budgeting, allocated much of the time and energy of senior officers to the identification of the goals and objectives of the departments. These goals and objectives, undoubtedly, were one of the chief tools that were used to develop, subsequently, the decision-making processes and the department structures that are being introduced at the time of writing.

100 For the purposes of this study, in the absence of a modern, definitive statement of the goals and objectives of Ontario’s local governments, it was essential (a) to either develop such a statement or (b) to look elsewhere for a statement that could be used as a guide. To develop such a statement would be, not only time-consuming, but presumptuous! Therefore, a search was made for a statement that had been developed in another jurisdiction. Such a statement was found!

101 A statement of the goals and objectives of England’s system of local government is to be found in the very first paragraph of the Report of the Royal Commission on Local Government in England, 1966-1969! (The Report of the Commission marks a watershed in the evolution of England’s system of local government! Two white papers, one by the previous Labour Government and a second by the present Conservative Government, have been issued with regard to the Commission’s recommendations. The present Government issued its White Paper in 1971. Under the terms of the White Paper a major historic re-organization will result in a very great reduction in the number of local authorities – the Commission recommended a reduction from 1200 authorities to 80!)

102 The goals and objectives of local government, according to the Commission, are as follows:

“The pattern and character (the goals and objectives) of local government must be such as to enable it to do four things

- to perform efficiently a wide range of profoundly important tasks concerned with the safety, health and well-being, both material and cultural, of people in different localities,*
- to attract and hold the interest of its citizens,*
- to develop enough inherent strength to deal with national authorities in a valid partnership, and*
- to adapt itself, without disruption, to the present unprecedented process of change in the way people live, work, move, shop and enjoy themselves”.*

103 The Commission’s statement of goals and objectives would appear to be applicable to Ontario’s municipalities!

104 Unfortunately, as indicated in the first paragraph of this section, the Ontario municipalities do not possess a definitive statement of thier goals and objectives – a statement that could be used “to develop – a more rationalized decision-making” structure.

105 For the purposes of this Study, the Commission’s statement has been used as a guide.

FRUSTRATION OF GOALS AND OBJECTIVES

106 A number of factors exist which limit and restrict the ability of the Ontario municipalities to attain the goals and objectives that are identified by the Royal Commission. The most significant of these factors are described in the next 5 paragraphs.

107 Canada is a federal state. The exercise of the powers of the state are divided among three levels of government. The municipalities receive their powers from the provinces. The interactions between the two “senior” levels of government and the municipal governments are many, are increasing and are becoming much more difficult. Delay in the determination of Federal and Provincial policy is frequent. The solutions to many of the problems of the municipalities rests often, not with the municipal council, but with the Government of Ontario or of Canada and, frequently, with both of these governments.

108 The Provincial-municipal structure and the municipal structure (particularly, the structure of the metropolitan, borough, regional and city municipalities), is extremely complex. The complexity is compounded by the existence of a maze of special purpose authorities that have been granted a wide range of powers by the Legislature and by the councils – to be exercised independent of the wishes of the councils.

109 The great majority of Ontario’s municipalities are extremely small and their human, financial and other resources are not adequate. Rationalization of Ontario’s system of municipal government is needed, urgently.

110 The wishes of the public are difficult to determine. Change in the public’s social attitudes confuses many local issues. A concensus among the parties to a dispute is difficult to achieve. Goals are not clear. Objectives are confused. A lack of unity exists among councillors. The human resources that are available to the councillors to identify acceptable alternatives, are not adequate and, frequently, these resources are not used effectively.

111 The public’s attitude to local government is one of apathy! The public possesses a meagre knowledge and understanding and little sympathy and interest in the position of local government! (Many students of local government are of the opinion that the prime reason for the public’s attitude to local government is that its powers are so dispersed, and its workings are so complex, that the public refuses to allocate the time and energy that would be essential if an elementary understanding of the workings of the system were to be acquired. This factor, perhaps, is the most compelling argument in favour of a reduction in the number of Ontario’s local governments and special purpose authorities and in favour of a simplification and a strengthening of Ontario’s system of local government.)

FORCES OF CHANGE

112 To place decision-making in Ontario's local governments in focus and to secure an appreciation of the nature of the decisions that are being taken by those who are elected to represent the local people at the municipal level of government, a brief outline of the forces of change that are at work in society, and the manner in which these forces are working to effect local government, is essential.

113 Ontario, as with so many other provinces and jurisdictions, is caught up in growth, expansion, technological change and a "veritable cultural revolution". The fate of society literally hangs in the balance "awaiting a positive response to the challenges that are being raised by the forces of change".

114 What are the forces of urbanism that are at work? The following is a partial list!

- . A great growth in population,
- . A concentration of population in urban areas,
- . A dispersion of persons within urban areas — as the population density spreads outward from the centre core,
- . The migration of young adults and marginal farmers to urban centres,
- . The flight of the middle classes to the suburbs,
- . The unprecedented mobility of people,
- . The alienation of the individual from concern with his environment and with his neighbours,
- . The isolation of the individual in urban society,
- . The incredible impact of technology and the assumption that the rate of technological change will not only continue but increase,
- . The pace of change and the prospect that change will come faster and faster,
- . The tendency for the individual to be less significant,
- . The impact of the automobile,
- . The forces of affluence with the resulting demand for services, and
- . Cleavages between social classes, etc. etc.

115 The effect of these forces of change is that urban local governments "can no longer confine their activities and concerns to their traditional caretaker roles" — public safety, public utilities, public works, parks, libraries, regulation of land use, protection of public health, morals, etc.

116 Environmental conditions and a general public attitude of concern are combining to turn government's focus from the physical needs of people to the social and the economic needs of people.

117 This change in emphasis in local government is typified by local controversies with regard to the characteristics of urban renewal projects, high-rise apartment living, urban expressways, the protection of residential areas, minority rights, employment, the quality of life, etc.

118 The decision-making processes of Ontario's local governments must be able to respond, to react and to cope with these unprecedented forces of change!

DECISION-MAKING AND POLITICS

119 The role of politics (reconciling the interests of competing groups of individuals, the management of conflict) in local government varies not only with the type of the municipality but, of course, from municipality to municipality. For instance, the degree of public conflict is not nearly as high, usually, in a small rural centre as it is in a large urban centre. The nature of, and the degree of, conflict within a municipality is influenced by many factors; e.g., the nature of the local political leadership, the abilities of the appointed officers, the organization of the council, the local economic conditions, the local political traditions.

120 The causes of public conflict are legion. The impact of politics on the effectiveness of local government decision-making is immense!

121 Edward C. Banfield in his book entitled “Big City Politics” has this to say about the significance of politics in local government.

“THE OBSTACLES IN THE WAY OF SOLVING CITY PROBLEMS ARE MAINLY POLITICAL. THERE IS NOT AN ITEM ON THE LIST THAT IS A PROBLEM SOLELY, OR EVEN PRIMARILY, FOR LACK OF RESOURCES, TECHNICAL KNOWLEDGE OR ORGANIZATION. THE MAIN THING THAT STANDS IN THE WAY OF REMEDIAL ACTION IS CONFLICT. PEOPLE’S INTERESTS AND OPINIONS DIFFER AND, THEREFORE, THEY DISAGREE ABOUT WHAT, IF ANYTHING, IS TO BE DONE. Politics is the process by which conflict is carried on in matters of public concern. The political system of a city is the set of formal and informal arrangements – by which a public, or those who act for it, decide – or, it may be, fail to decide – what is to be done”.

122 The influence of politics on effective local decision-making, as Banfield suggests, is difficult to exaggerate! The statement has been made that “no system of government will remain for long if the system is beyond the general level of the ability of the citizens of the community to work together, for common objectives, through the local political and civic agencies.” The quality of local decision-making is determined within each community’s “political and civic agencies”.

123 If local politics is to exercise a constructive and an effective influence on the quality of local decision-making, political leadership, with integrity and ability, is essential!

DECISION-MAKING AND STRUCTURE

124 Structure may be defined as “the inter-dependent parts in a definite pattern of organization”. What are the relationships between structure and decision-making in local government? Does structure effect the quality of decision-making in local government?

125 The answers to these questions are extremely important! Studies into the question as they apply to Ontario’s municipalities have not been made.

126 However, one of the world’s best-known authorities on local government, William Anderson of Minnesota, in his text “American City Government”, comments on both of these questions.

127 Anderson expresses the opinion that “good organization can be a tremendously valuable asset” in a local government. The following quotation describes his view.

“There are persons who say that the form of the organization of a city government makes no difference; it is only men that count. This type of argument comes up time and again when attempts are made to re-organize city governments. All we can say to this line of thought is, don’t you believe it!

“Men are indispensable in government. Powers and financial resources are indispensable. Public confidence and public watchfulness are highly important. HOWEVER, ORGANIZATION IS ALSO AN INDISPENSABLE FACTOR IN CITY GOVERNMENT AND GOOD ORGANIZATION CAN BE A TREMENDOUSLY VALUABLE ASSET –.

“Do you want able leaders in – municipal government? Some types of organization attract able men, while other types simply discourage their candidacy.

“Do you want your government to be clearly visible and responsible to informed public opinion? Some governments are so badly organized that a general obscurity hangs over them and no one can tell clearly who is responsible for any important measure.

“Do you want governmental procedures to be simple and direct, while still ensuring against hasty public action? Some governments are so poorly devised, or so cluttered up, that a small matter, such as a purchase of stationery, requires numerous actions by different public officers and bodies, even up to the principal governing body.

“Yes, proper organization of a city or of a county, state, or national government is important to the people in many ways.”

128 It is a finding of this Study that, on the basis of Anderson’s criteria, Ontario’s 5 systems of local government decision-making leave much to be desired!

DECISION-MAKING – INCREASINGLY DIFFICULT AND CONTROVERSIAL

129 The forces of change that are described in paragraphs 112 to 115 have altered the nature of the role of the Ontario municipal councillor, particularly in the large urban centres. The primary concern of the councillors has been shifted from concrete decisions that are associated with the so-called “hard” services (water, sewerage, roadways) to much more controversial and elusive decisions that are associated with the so-called “soft” services (health, welfare, the environment, land use control).

130 The taking of many decisions is extremely difficult. The alternatives are complex, elusive, confusing! Often, the only solution that is available in a dispute satisfies none of the parties to the dispute. A council’s alternatives, frequently, are restricted because of a prior decision of one of the independent special purpose authorities or of one of the departments of the Province that possesses the authority to restrict the decision-making powers of the locally-elected municipal councillors.

131 The time required of councillors in the decision-taking processes, in recent years, has increased, sharply. In some cases, the council’s public debate of an issue may require one, two or even three days. Witness, for instance, the debates in Toronto with regard to the Spadina Expressway, the Metro Centre Project, the St. Jamestown high-rise apartments, the Trefan Court Urban Renewal project. Other Ontario centres are being faced with an increasing number of high-conflict issues.

132 It is essential that the elected representatives of the people, at the local level, take these decisions! It is equally essential that the elected representatives have adequate time to think and to thoroughly consider their decisions – to examine the issues, to study the issues, to consult their advisors, to consult the ratepayers who are involved, to debate the issues publicly and, finally, and most important, to inform the public.

133 Because of the factors described in the previous paragraph, it is absolutely essential that the Province and the municipalities examine, thoroughly, the manner in which Ontario’s councils and, particularly, the councils of the larger centres, exercise the legislative, executive and administrative powers that are granted to them.

134 It is extremely important to ensure that councillors are (a) free to allocate an adequate amount of their time to the taking of local decisions and, thereby, to the establishment of the local public goals, objectives, priorities and policies and (b) not be diverted, by Ontario’s statutes and by organizational arrangements, to much less important, day-to-day administrative matters that may be carried out, subject to the policies and the direction of the council, by the officers and employees of the corporation.

135 The nature and the characteristics of the decision-making processes in Ontario’s local governments have not been reviewed in the light of the effect of the forces of change on these processes! The effect of these forces has been particularly acute, of course, in the metropolitan, regional and city municipalities. A review of these processes has taken place, in recent years, in many other jurisdictions such as Western Canada, Quebec, the United States and England. Significant changes in the powers, duties and role of the elected members and officers have been authorized and introduced in these jurisdictions. Many of these changes are described in the chapters of this Study.

DECISION-MAKING STUDIES BY FEDERAL, PROVINCIAL AND OTHER GOVERNMENTS

Government of Canada

136 In 1960 the Government of Canada decided that there was an urgent need to conduct a critical review of its organization and administrative processes. As a result, a Royal Commission on Government Organization (Glassco) was appointed to recommend changes that would promote efficiency, economy and improved service in the dispatch of public business.

137 In discussing the role of ministers, the Royal Commission states *"given the size and complexity of present day operations – the minister – cannot become involved, personally, in administrative detail, without neglecting his essential political function of policy determination. Permanent heads, on their part, while having an indispensable role to play as advisers to their ministers on matters of departmental policy, cannot avoid full personal responsibility for the day-to-day management of the organization."*

138 With regard to the need for administrators, the Report states *"there must be, throughout the public service, senior administrators of outstanding ability, with a strong sense of purpose and a clear grasp of their responsibilities"*.

139 The Commission made many recommendations that were designed to improve the effectiveness of the members of the cabinet; to rationalize the structure of the departments; to decentralize decision-making; to establish a system of program-planning-budgeting; to use the computer more effectively; to recruit and retain, in competition with the private sector, skilled and experienced administrators, etc.

140 The preceding comments of Glassco apply to the councillors and officers of the Ontario municipalities – particularly, of the metropolitan, borough, regional and city municipalities.

Government of Ontario

141 In 1969, the Government of Ontario decided that there was an urgent need to conduct a critical review of its organization and administrative processes. The Committee on Government Productivity (COGP) was appointed to examine *"the management processes by which – objectives and policies are arrived at – and – recommend – realistic and practical ways by which the management of government can be improved"*.

142 COGP has issued a number of Reports. The following quotations, which are taken from COGP's Interim Report Number Two, are applicable to this Study.

"The new pressures on government which we perceive, merely reinforce the argument in favour of a new management style which can deal effectively with a set of revolutionary circumstances and issues quite different from those with which any government has had to deal in the relatively evolutionary decades in the past."

"Cabinet's ability to establish priorities among programs competing for funds must be strengthened."

"Government decision-making is taking place in an environment where new values and life styles are constantly emerging, adding further dimensions to the difficulties of developing appropriate policies. Consequently, Cabinet will have to refine the methods which will allow it to examine policy proposals."

"Cabinet must develop a flexibility which will allow it to review and quickly to adjust the government's overall organization design to meet changing conditions."

"One way of achieving this goal (flexibility) is to give greater scope to public service managers in deciding how to allocate their resources in order to achieve program objectives."

"Cabinet policies must be made as explicit as possible so that the public service managers understand the intent and can manage accordingly."

“Cabinet must develop the capability of continually evaluating the programs and the competence of program managers in terms of their use of resources to achieve stated objectives.”

143 COGP makes reference to a statement of the Honourable John P. Robarts on April 22, 1970 to the effect that *“during the next decade we shall place less reliance on economic growth for its own sake and more on the fulfillment of the values of society.”*

144 COGP recommends to the Government *“a new management style”* and refers to the necessity of *“anticipating change”*, rather than *“merely re-acting to change”*; of choosing between *“conflicting programs”* on the basis of *“information which has probed deeper and been more thoroughly analyzed”*; of *“establishing priorities”*; of ensuring *“the most economical distribution and use of common services”*.

145 COGP states that some of the benefits of its recommendations will be

“ensuring that Cabinet’s decisions are based on the best and most current available information, both qualitative and quantitative”

“giving individuals and the Cabinet the precise information which they need in order to make the right choice between conflicting policies and competing programs”

“reducing the amount of detail work and study required of ministers and Cabinet so that they can concentrate their time, energies and judgment on broad and basic policy decisions”

“allowing ministers and Cabinet to achieve more within the limited time available to them”, and

“increasing the ability of ministers and Cabinet as a whole to process a large volume of decisions on the basis of thoroughly researched and complete information”.

146 Many of the comments of COGP apply to the councillors and officers of the Ontario municipalities, particularly of the larger municipalities.

Other Governments

147 Groups have been appointed in other jurisdictions to conduct a critical review of the organization and administrative processes of the local governments.

148 Three major local government studies, two by royal commissions and one by Woods Gordon & Co., Management Consultants, were conducted in the '60s in Quebec. These studies lead to the development of Quebec’s council-mayor-executive committee-CAO systems in Montreal, Quebec, Laval and Hull.

149 A number of major local government studies have been conducted, frequently, by management consultant, of the decision-making processes in some of Western Canada’s cities, such as Edmonton, Calgary and Winnipeg.

150 Because of the public’s participation in the formulation of charters of local governments in those states in the United States where the local governments enjoy “home rule”, outstanding studies have been made, in recent years, into the decision-making processes in many of the larger cities in the United States. The council-manager and the council-chief administrative officer systems in that country were established, frequently, as the result of these extremely democratic processes.

151 The most significant development in local government in England in the '60s was the decision of the Government to appoint two committees and two Royal Commissions to examine the problems of the local authorities. One of the committees made very significant recommendations with regard to recruitment, career prospects, selection procedures, training, use of staff, internal organization and mobility of staff; while the other committee, the report of which is considered by most to mark a milestone in the development of English local government, examines, in depth, the decision-making processes.

152 All of the reports that have been mentioned in this section, particularly those from England, Western Canada and Quebec, have had an impact on the conclusions of this Report.

Comments

153 Ontario's councillors and municipal officers, particularly those of the metropolitan, borough, regional and city municipalities, are, also, subject to the "new pressures", the "revolutionary circumstances and issues", the "new values and life-styles" and to the need to "establish priorities". They, too, are in need of "flexibility to meet changing conditions"; reduction in "the amount of detail work – required – so that they can concentrate their time, energies and judgment on – policy decisions".

154 Canada and Ontario appointed Glassco and COGP in order to establish a "new management style" that would permit the Governments of Canada and Ontario to cope with the forces of change.

155 *Metropolitan Toronto, its borough, Hamilton, Ottawa, London, Windsor and other large municipalities in Ontario are, also, being buffeted by the forces of change! They, too, are in urgent need of a Glassco and a COGP!*

CONTRIBUTIONS TO THE STUDY OF LOCAL GOVERNMENT DECISION-MAKING

156 Ontario's systems of municipal decision-making have received little scrutiny during the last 70 years.

157 The duties of the board of control, for instance, as stated in chapter X, are "identical, almost, to the duties of a board of control that are to be found in the Statutes of 1903 – the language, only, has been altered slightly". The duties of the board of control apply mutatis mutandis to the executive committee of metropolitan and regional municipalities. The duties of the chief administrative officer, according to the recently-enacted section 214a of The Municipal Act, and similar sections of the Lakehead, Niagara, York and Muskoka Acts were copied, verbatim, from a private act of 1921 that authorized the City of Chatham to appoint a "city manager". The establishment of a council-CAO system in Ontario has been resisted. The exercise of the administrative powers of the Ontario municipal corporations is unnecessarily time-consuming and expensive because the councils have not been granted the power to delegate any of their administrative powers to an officer or to a board of officers.

158 During the last 70 years, the American council-manager system was developed, and has received an unusual degree of acceptance, in the United States, other Canadian Provinces, in many European and other countries. The strong-mayor system was developed, during the same period, in the largest of the American cities. During this same period, Western Canada's council-commissioner system, a modification of the council-manager system, was developed; the system is a significant contribution to the art of local self-government! Quebec studied the council-manager system 50 years ago and, as a result, legislation was enacted at that time that outlines the duties of a manager and authorizes the cities and towns of the Province to appoint such an officer. In more recent years, Quebec has undertaken major studies that have lead to the development of its "strong-mayor" and its "executive-committee" in a number of the larger centres. Manitoba, in its new City of Winnipeg, has adopted certain of the characteristics of the council-commissioner system and, also, a recommendation of the Royal Commission on Local Government in England, 1966-1969. England completed, in the '60s, major studies into the decision-making processes of the local authorities. These studies have contributed immensely to the up-dating of England's historic system of local self government.

159 *Insofar as studies into the decision-making processes of the municipal governments are concerned, Ontario stands in stark contrast to many of the American states, Western Canada, Quebec and England. Ontario is out of step! Ontario has not initiated a single study into these processes.*

160 Changes in the decision-making processes of local government have evolved as the result

of thorough study and public debate of the nature and the use of one of the three components or one of the six processes or steps of decision-making. Such studies and such debates have not taken place in Ontario!

161 The ability of an organization to achieve its goals and objectives depends, in the final analysis, on the effectiveness of its organization for decision-making and the abilities of the persons who control the decision-making processes – the councillors and the officers!

ELECTORS' MANDATE TO COUNCILLORS

162 According to the law of Ontario “the powers of a municipal corporation shall be exercised” by its councillors. These powers are provided, and circumscribed, in a vast and ever-increasing body of statute and case law.

163 The powers of the municipal corporation are exercised, of course, by the councillors within the municipality’s extremely complex decision-making processes. Most of these processes, and the circumstances in which they take place, as discussed in some of the earlier sections of this Chapter, are not determined by the councillors; the processes are determined in a federal structure in which the municipal governments are very much the junior partner.

164 The councillors are elected to office by the local electors – the citizens who are entitled to vote for candidates for local office. These electors, by the exercise of their franchise and by other activities, are ultimately in a position to control and direct the councillors in the exercise of the municipal corporation’s powers.

165 *The ultimate control and direction of the councillors by the electors is the basis of the accountability of councillors to electors. The accountability of councillors to electors is essential to the workings of democratic local self government! Every effort must be made to enhance, to clarify and to increase the accountability of councillors to electors! It is essential that councillors be aware of, and be responsive to, the needs and the wishes of electors and citizens!*

166 As with all democratic governments, the local electors grant a mandate (the authorization to a representative to act) to the councillors. What is the nature of the mandate? The answer is elusive, indeed! In searching for an answer, it becomes apparent that, just as there is not a definitive statement of the goals and objectives of Ontario’s municipal governments, there is not a definitive statement of the nature of the mandate granted by the local electors to the councillors.

167 However, it is essential to identify the characteristics of the Ontario electors’ mandate to the councillors before proceeding to analyze the decision-making processes in the municipalities. Therefore, after much study and searching, it is the suggestion of this Report that the Ontario electors’ mandate to municipal councillors, subject to the law, is to

- (a) establish procedures for the identification of the citizens’ needs, wishes and aspirations,
- (b) establish a forum for the debate of local public issues and for the management of local public conflict,
- (c) formulate, define and publish a statement of the municipality’s goals, objectives, priorities and policies and ensure that the municipality’s policies are carried out, and
- (d) exercise ultimate control and direction of the municipal corporation by the establishment of an organization to administer, subject to the policies of the council, the municipal corporation’s affairs and control the organization in the exercise of its powers and duties.

168 If the statement in the previous paragraph of the electors’ mandate is correct, *then the essence of the elector’s mandate to the local councillors is to*

- (a) *establish and maintain a dialogue with the local citizens, develop and adopt the municipal corporation’s policies and ensure that the policies are carried out, and*

- (b) *establish and control an organization to execute the councillors' policies and to administer the municipal corporation's affairs.*

169 *If the councillors are to carry out the electors' mandate, they must do so by the exercise, control and direction of the legislative, executive and administrative powers of the municipal corporation. How are these powers exercised, controlled and directed? How should these powers be exercised, controlled and directed? The prime concern of this Study is to answer the first question and to recommend an answer to the second question.*

170 Before proceeding with an analysis of the manner in which the powers of a municipal corporation are exercised (the decision-making processes), it is essential to discuss the two basic components that are involved, namely (a) the formulation of local public policies, their enactment into law and ensuring that the laws are carried out and enforced and (b) the administration of the local public policies and laws.

171 An elected body is equipped, in general terms, to formulate local public policies but, in the complex conditions of modern, urban life, persons with special training and experience are needed to do the work of administration.

172 The experience of all systems of local government (many were studied in the preparation of this Report) has been that, if the members of the elected body attempt to do the work that is involved in both of the basic components of the decision-making processes (and, thereby, fuse the legislative and administrative components), the demands of day-to-day administration will dominate and the formulation of local public policies will be pushed into the background!

173 John Stuart Mill wrote one hundred years ago: "*There is a radical distinction between controlling the business of government and actually doing it. The same person or body may be able to control everything, but cannot possibly do everything; and in many cases its control over everything will be more perfect the less it personally attempts to do. The business of the elective body is not to do the work, but to see that it is properly done and that nothing necessary is left undone.*"

174 Anderson and Weinder, in their text "American City Government" express a similar opinion, as follows: "*As the people's elected representative body, the council should have complete control over the whole of the government, but it needs to recognize its own limitations as an inexperienced, unprofessional body. Its function is to legislate, to control, to scrutinize, to criticize and to attempt to co-ordinate. For it to interfere in the details of administration where special skill is nearly always required, is to defeat the ends of good government.*"

COMPONENTS OF LOCAL GOVERNMENT DECISION-MAKING PROCESSES

Awareness of components and elements of decision-making

175 The effective use of the components and the elements of the decision-making processes will facilitate greatly the achievement of the goals and objectives of any organization, including those of an Ontario local government. If the components of decision-making are to be used effectively, they must be known and they must be understood, at least by those who design the decision-making structure and preferably by those who work within the structure.

176 Therefore, it is essential to identify and to examine the components of these processes in Ontario's municipalities. The characteristics of these processes should be identified; the manner in which they function and the rationale that supports the assignment of responsibility for each of the three components and the six elements of these processes should be understood.

177 *If the decision-making processes in Ontario's local governments are to be improved, one of the key elements in the improvement must be the identification, the clarification and the rationalization of these elements.*

Description of components and elements of decision-making

178 What is decision-making? What are the components of local government decision-making? What are the elements of decision-making in any organization, including a local government?

179 Decision-making is the process or the processes, or the series of actions, by which a person, or a group of persons, select from among a number of alternatives.

180 The components of decision-making by government, including local government, are three in number, namely, legislative, executive and administrative. These components may be described as follows:

Legislative

Determining a government's policies by the enactment of laws and by the subsequent appraisal and re-appraisal of the laws

Executive

Planning, directing, co-ordinating and controlling a government's affairs

Administrative

Performing the duties and doing the work required to carry out a government's policies; directing the execution of a government's affairs

181 The elements of decision-making in any organization are six in number, namely

- recognition of a problem
- identification of the factors that are associated with the problem
- identification of the alternatives
- weighing and testing of the alternatives
- selection of one of the alternatives, and
- implementation of the alternative that is selected.

Council exercises the power and makes the decisions

182 Before proceeding with an analysis of the components and elements of decision-making, it is essential to ask a significant question — "Who is responsible for the decision-making processes of the Ontario municipalities?" The answer lies in the answer to another question, namely, "Who is responsible for the exercise of the power of the Ontario municipal corporation?"

183 *In Ontario, the council, exclusively, must exercise the powers of the municipal corporation! Unlike the council of many of the municipalities (particularly the councils of the larger municipalities) in the other Provinces of Canada, the United States and England, the Ontario municipal council has not been granted the power to delegate any of its powers, even those of a routine, repetitive and administrative nature!*

184 The council, under the Ontario law, is the exclusive legislative, executive and administrative agent of the municipal corporation and, therefore, must exercise, exclusively, all of the legislative, executive and administrative powers of the corporation!

185 The authority to delegate the powers of the council has been with-held from the smallest and from the largest of the councils; from the Village of Sturgeon Point in the County of Victoria with its 29 citizens and from the City of Toronto with its 680,319 citizens!

186 *Every element in the exercise of the municipal corporation's power must be exercised directly by the council — from the imposition of the rates of taxation, to the purchase of a bottle of ink!*

187 How do the councillors, particularly those of the larger centres, organize themselves in order to permit the council to take each and every decision that arises from the municipal corporation's activities?

Procedures permit the council to exercise the powers

188 Procedures have been devised by Ontario municipal officials over the years that make it possible, theoretically, for the council to take each and every decision.

189 Essentially, these procedures involve:

- (a) the establishment of a system of administrative committees of the council; each committee is assigned the duty to report and recommend to the council with regard to any matter that is within the committee's terms of reference and to supervise the officers and the departments who come within the committee's terms of reference,
- (b) the preparation of a great many detailed reports by the administrative committees for presentation to the council,
- (c) the preparation of a great many detailed reports and studies by the officers to the administrative committees, and
- (d) the acceptance, amendment or rejection by the council of the administrative committees' recommendations.

190 *These procedures, which are discussed in detail in chapter VIII, require the preparation of an endless number of reports; complicated, legalistic procedures; a vast volume of paper (much of the contents of which is of no interest to the councillors); and a significant percentage of the time of the senior officers. The procedures are time-consuming, costly and they occupy much of the time and energy of the councillors! The system of committees gives rise to conflict, division and inefficiency among the councillors.*

191 The number of administrative committees established varies with the size of the municipality — in the largest of the municipalities, in addition to a system of administrative committees, each of which is associated with the provision of one or more services to the public, a board of control or an executive committee is frequently established.

How do officers assist councillors to make decisions?

192 The last three subsections of this section have

- (a) identified the three components and the six elements of local government decision-making,
- (b) made the point that the council must exercise all of the powers of the municipal corporation and may not delegate any of the power, and
- (c) described the procedures that have been devised to permit the council to make all of the decisions and to exercise all of the powers of the municipal corporation.

193 The question that remains is: "Within the procedures that have been devised, how do the councillors and the appointed officers share responsibility for the work involved in the decision-making processes — namely, the three components and the six elements? "

194 *It is obvious that, in spite of the silence of the Statute, because of the "sheer pressure of business", the councillors of the larger centres cannot do all of the work and assume all of the detailed responsibility that is involved in the exercise of these three components and six elements.*

195 The three components of decision-making in local government are carried out by the councillors and the officers as follows

The legislative component

Is exercised, exclusively, by the councillors

The executive component

Is shared by the councillors with the officers; responsibility for the executive aspect of the legislative component (planning, directing, co-ordinating, controlling) is not segregated clearly; responsibility for the executive aspect of the administrative component is not segregated clearly,

Administrative component

Is exercised, to a considerable degree, depending upon the system of decision-making and the municipality, by the officers and employees; however, the councillors retain much of one of the phases of this component, namely, directing the executive aspect of the component

196 The six elements of decision-making are carried out by the councillors and officers as follows

Recognition of a problem

Shared by the councillors, the officers and, sometimes, the public

Identification of the factors that are associated with the problem

The task, usually, of the officers

Identification of the alternatives

The task, usually, of the officers; the councillors may contribute, depending upon the nature of the problem

Weighing and testing the alternatives

The task, usually, of the councillors with advice and assistance from the officers

Selection of one of the alternatives

The responsibility, exclusively, of the councillors

Implementation of the alternative that is selected

The task, usually, of the officers; however, the councillors, in varying degrees, depending upon the municipality, direct the execution of the administrative work to be done

Conclusion

197 The analyses of the two preceding paragraphs disclose that much of the work involved in the three components and the six elements of local government decision-making is shared by the councillors with the officers – the degree and the nature of the sharing will vary from municipality to municipality and will depend upon local traditions and the abilities, attitudes and personalities of the councillors and officers.

198 However, the essence of the nature of the decision-making processes is the degree and the manner in which the councillors do the work of each of these components and elements or assigns or delegates the work, or a part or an aspect of the work, to the officers.

199 The relative effectiveness of the different systems of local government that are described and discussed in this Study arises, to a very great extent, from the characteristics of the systems, or from “the styles of management”. These have been devised either to permit the elected representatives to do all of the work of these components or elements, or to delegate the work, subject to the policies, direction and control of the elected representatives, to appointed officers of the municipal corporation.

200 *The effectiveness of Ontario’s systems of local decision-making may be appraised by the answers to questions, such as the following:*

- (a) *Are the 3 components and the 6 elements of decision-making understood, clearly, by the councillors and officers?*
- (b) *Is responsibility for the components and the elements of decision-making allocated in a manner that conforms to the principles of modern management and administration and do the councillors and the officers understand the principles that are involved?*
- (c) *Have the principles of delegation been applied to the municipalities’ executive and administrative components?*

CRITERIA FOR EVALUATION OF MUNICIPAL ORGANIZATION STRUCTURES

201 Having identified the three components and the six elements of local government decision-making; and having stated that the manner in which the councillors and officers do the work that is associated with these components and elements is critical to the effectiveness of any system of local government; the question arises, “When is a local government effective? ” Or, to ask the question in another way, “What are the criteria for the evaluation of a system of local government? ”

202 The question is answered by Anderson and Weidner in “American City Government”. They state that “under popular democratic control, local governments should be organized to

- (a) facilitate municipal action, not to obstruct it;
- (b) render the public services that are needed under twentieth-century urban conditions and that are made possible by modern science and technology;
- (c) be adaptable to changing circumstances and prepared to meet crises as they arise;
- (d) be equitable in its dealings with all citizens;
- (e) be quick and sympathetic to care for the unfortunate according to their needs;
- (f) co-ordinate all the government’s services so that all may be planned together and advanced in unison according to the public’s opinion as to their relative importance;
- (g) maintain the highest available standards of technical skill and efficiency in conducting the public services; and
- (h) administer the local government’s functions honestly, effectively, and without waste of resources;

203 To approach these objectives, a local government needs to be democratic, unified, expert, unpartisan in administration, simple in structure, and organized along lines of direct responsibility from the voters through their representatives and straight down through the administration.”

Part 3

CONCLUSIONS CONCERNING 9 OTHER SYSTEMS

204 9 systems of local government decision-making, in addition to the 5 Ontario systems, were studied during the preparation of this Report. The 9 systems, which are identified in paragraph 10 of this Chapter, are described and discussed, in detail, in chapters XII to XXI.

205 Conclusions concerning the suitability of each system, from Ontario’s point-of-view, are drawn at the end of each of the chapters.

206 Each of these systems is of interest to Ontario, however, *it is the conclusion of this Study that the development and use of Quebec’s council-manager system and Western Canada’s council-commissioner system is of particular interest to Ontario.* These systems overcome many of the weaknesses in the decision-making processes of Ontario’s medium and larger systems of municipal government.

207 The conclusions of this Study with regard to each of these 9 systems are presented, for convenience, in the following sub-sections of this Chapter.

Quebec’s council-manager system, chapter XII

208 Quebec’s council-manager system was derived 50 years ago from the National Municipal League’s Model City Charter – the foundation stone of the council-manager system. The system conforms, in principle, to the League’s Charter.

209 *The most significant feature of the system, when compared to Ontario’s systems, is the relative freedom of the councillors to allocate their time and energy to the legislative component of their powers and duties; to the establishment and revision of policy; and to matters of local public concern and controversy. By the appointment of a manager and by the manager’s establishment of “a system of co-ordinated administration at the officer level”, the councillors are free, essentially, from the day-to-day administrative details of the municipal corporation.*

210 Many of the cities and towns of Quebec (30% of those with a population in excess of 5,000 and 64% of those with a population in excess of 10,000) have taken advantage of the provisions of the Cities and Towns Act to establish the council-manager system of decision-making. The terms of the Act are acceptable to the public, to the councillors and, subject to a few technical refinements, to the municipal managers. The council-manager system is not the subject of public debate. The provisions of the Act that authorize the establishment of the system have served the citizens, the councillors, the managers and the officers of the cities and towns very well.

211 The recent statutes that established a number of large, second-tier “urban communities” in Quebec (Montreal, Quebec and Hull) require the council to appoint a chief administrative officer of the community.

212 *Quebec’s DMA supports the appointment of municipal managers, is pleased with the skills, experience and continuity of local administration that the managers make available to the councils (2 of 3 managers are university graduates; most of them are engineers) and works closely with the Association of Municipal Managers of Quebec in the development of courses in municipal administration, at the university level, for municipal officials.*

213 Quebec’s council-manager system overcomes many of the weaknesses that are to be found in Ontario’s medium and large systems of local government.

Quebec’s council-mayor-executive committee-CAO systems, chapter XIII

214 *The system of local government decision-making in the City of Montreal reflects the opinion that “party politics are a necessary part of the democratic process”, at least in the larger urban governments and that the effectiveness of local government is very greatly increased by the “election of a group of like-minded citizens to the council under the leadership of the person who seeks the office of mayor”.*

215 The form of the government of Montreal is parliamentary in nature. The council exercises the legislative and the major executive powers of the municipal corporation; the remainder of the powers are exercised by the executive committee. As a result, the councillors are free to establish and revise local policies, to debate matters of public concern and controversy and to maintain a surveillance of the executive and administrative work of the mayor and the executive committee.

216 *The mayor of Montreal is a “strong mayor” because of the power that he exercises as the leader of a local political party that controls the council. The system of decision-making is designed to permit the mayor to be the leader of the council and the community and to exercise local initiatives. Because of the close political relationships between the mayor and the chairman of the executive committee, the mayor is free, essentially, from the burden of day-to-day executive and administrative detail.*

217 The executive committee of Montreal exercises the executive powers that are not assigned to the council, specifically, in the Charter (many of these powers are exercised by the committee without reference to the council) and the administrative powers, including the control and the supervision of the directors of the departments. Every matter that is presented to the council originates as a recommendation from the executive committee. The executive committee does not possess the power to delegate any of its powers to the directors or other officers – the result is that the committee is “concerned with far too many details”; the City does not enjoy the benefit of a system of “integrated administration at the officer level”; and the members do not retain sufficient time for discussion of matters of public policy.

218 The executive secretary of Montreal is the link between the executive committee and the directors of the departments. The executive secretary does not possess the powers and duties of the manager under the Cities and Towns Act nor those of the secretary general under the legislation that has established the Montreal Urban Community. The executive secretary is not granted the power to co-ordinate and direct the directors. The result is that, as indicated in the previous paragraph, a system of “integrated administration at the officer level” has not been

established and, therefore, it is reasonable to assume, full advantage is not being taken of the training, experience and abilities of the 22 directors and the administrative processes are not as effective as they could be.

219 The above conclusions with regard to Montreal's decision-making processes, insofar as they relate to the

- (a) council, and
- (b) the mayor, but not as they relate to the
- (c) executive committee,
- (d) executive secretary and the directors of departments

apply, essentially, but, naturally, on a different scale, to the decision-making processes of the Cities of Quebec, Hull and Laval. In these three smaller cities, the services of a manager "under the authority of the executive committee" are used to co-ordinate and direct the heads of the departments and to establish and control a system of "integrated administration at the officer level". Many of the executive powers and many of the administrative powers of the executive committee are delegated by the committee to the manager.

220 There are three reservations to be stated with regard to each of these systems of decision-making, namely:

- (a) Will the systems continue to function when the incumbent mayors are defeated at the polls, die or retire? Will the Civic Party in Montreal, for instance, remain viable when M. Drapeau does not sit in the council and is not the leader of the Party?
- (b) Could the role of the councillors in each of these systems be expanded without interfering with the executive and administrative effectiveness of the system? Could policy committees of the council be appointed to study matters of major public concern and report thereon to the council? Could such committees undertake some of the work of a representation nature — listening to ratepayer associations, pressure groups, etc.?
- (c) Since local political groups control the councils, decisions are made in caucus and, therefore, in private. Does private decision-making reduce the "quality" of the local government? In these circumstances, is the public's knowledge of the local issues adequate? Is the public aware of the policy alternatives?

221 *The strength of each of these Quebec systems of local government decision-making rests in the following areas:*

- (a) *the system is simple, direct and understandable by the public, with few special purpose authorities other than for education,*
- (b) *the responsibility and the accountability of the mayor and the councillors to the public for all of the local decisions and policies is established clearly,*
- (c) *the energy and time of the mayor and councillors (but not of the members of Montreal's executive committee) are conserved for matters of policy-making, public debate, representation, etc.,*
- (d) *the accountability of the executive committee to the council for the exercise of the municipal corporation's executive and administrative powers is established clearly, while*
- (e) *in Quebec, Hull and Laval, an additional, extremely significant, strength has been added, namely, the accountability of the manager to the executive committee for the co-ordination and direction of the officers and the employees in the administration of the municipal corporation's affairs in accordance with the policies of the council and the committee.*

222 Quebec's council-mayor-executive committee-CAO systems overcome many of the weaknesses that are to be found in Ontario's largest systems of local government.

Western Canada's council-commissioner system, chapter XIV

223 *The development of Western Canada's council-commissioner system represents a significant Canadian contribution to the art of local self government.*

224 *The system is based upon the principles of the council-manager system or, as this Study prefers, the council-CAO system, with the exception that the council elects to delegate executive and administrative powers to a board of officers (with the mayor, usually as a member, ex-officio), rather than to a single officer. The system has been established in large Western Canadian cities where the range of the powers and duties of the municipal corporations is wide, varied and complex. In these cities, it has been the opinion of the public and the councillors, for many years, that the interests of the cities are better served if the council delegates powers to such a board rather than to a single officer.*

225 *The establishment and revision of policy is well provided for in the system because of the establishment by the council of a number of policy committees of the council to study, report and recommend to the council with regard to every matter of policy before the matter is presented, formally, to the council. (If the policy committees are committees of the whole council, as they are in the City of Vancouver, the unity of the council is maintained.)*

226 *The council's authority to delegate its powers permits the council "to establish a systematic and co-ordinated approach to the management of the municipality" and to*

- (a) *allocate powers and duties to the councillors and to the officers in a clear and understandable manner,*
- (b) *allocate the bulk of its time, (without administrative distractions) to its prime powers and duties to the electors, namely*
 - (i) *the development of the municipality's policies and their continuous review and revision, and*
 - (ii) *to be available to the electors and others for the discussion of problems, complaints, the exchange of points-of-view, and*
- (c) *establish a board of officers to be responsible to, and accountable to, the council for the administration of the day-to-day affairs of the municipality, in accordance with the council's policies and directions.*

227 *By the establishment of a board of officers the council assembles a knowledgeable and experienced team of administrators whose services are available to*

- (a) *assist and advise the councillors, and*
- (b) *lead, co-ordinate and direct the municipality's officers in the implementation of the policies of the council and in the administration of the services that are provided to the public by the municipality.*

228 *There is a high degree of accountability in the system – the councillors to the public, the board of administration to the council, the heads of the departments to the board of administration.*

229 *If the mayor takes advantage of the availability of the services of a board of administration that is comprised of trained and experienced officers, he is free to allocate his time and energy to his prime duties to the electors and to the municipal corporation.*

230 *The membership of the mayor, on the board of administration, ex-officio, is not in accord with democratic concepts; gives rise to undesirable mayor-commissioner relationships and reduces the effectiveness of the members of the board.*

231 *The operation of two boards (a board of commissioners and a board of administration both of which have a common membership with the exception of the mayor) is not only time-consuming but the arrangement gives rise to duplication of effort and uncertainty of jurisdiction.*

232 *Western Canada's council-commissioner system overcomes many of the weaknesses that are to be found in Ontario's largest systems of local government.*

The new City of Winnipeg system, chapter XV

233 The new system of municipal government decision-making for the Greater Winnipeg Area is a rejection of a two-tier system and an acceptance of a one-tier system with an unique provision “to centralize and, yet, to decentralize” and “to promote efficiency and, yet, to maintain an element of local control”.

234 The council is large. The council is required to meet at 4 levels, i.e. community committees, service committees, an executive policy committee and the council. As a result, the members and, also, of course, the officers, are allocating most of their time and energy to preparing for, or attending, meetings. In the opinion of informed persons, the council is “too large”; is “unwieldy”; there are “too many” committees; the meetings are endless; the decision-making processes are “too slow” and are “bogging down”.

235 The system is ambivalent with regard to the office of mayor! The Act presently provides that the mayor shall be selected by the council from among its members, except for the first term – after which he shall be elected by the electors.

236 The Act provides, also, that the mayor be a member, ex-officio, of the board of commissioners. This provision is not in accord with democratic concepts, gives rise to undesirable member-officer relationships and compromises the effectiveness of the commissioners.

237 The community committees are on trial! The committees were established to “cope with citizen frustration, alienation and withdrawal at the grass roots level”. However, the citizens of most of the communities do not participate in the work of the committees. In the opinion of informed persons, the concept of community committees, supported by citizen committees, is “academic” and “impracticable”.

238 Because of the need to submit, amend and re-submit many policies to 3 types of committee, the board of commissioners and the council, the formulation and the establishment of policies involves an endless number of meetings and much duplication and, therefore, is extremely time-consuming.

239 There is ambivalence in the Act and on the council with regard to the supervision of COs and the administration of the departments. In the council-commissioner system, these responsibilities are assigned to the board of commissioners, exclusively; subject, of course, to the policies and the directions of the council. In the new Winnipeg, these responsibilities are assigned to the board of commissioners; subject, however, to the executive policy committee, the 3 service committees and the 8 community committees. The result is a sharp reduction in the effectiveness of the members and of the officers and in the quality of the work of policy development, representation and administration.

239a The council is authorized to delegate its administrative powers and duties to the board of commissioners and the COs. If the council were to re-establish the committees as policy committees; and if the council were to use its authority to delegate administrative powers and duties; many of the problems which are being experienced would be eliminated.

239b The new City possesses characteristics which will permit it to contribute, substantially, to the development of effective municipal government in the *area*:

America's council-weak mayor system, chapter XVI

240 Under the American council-weak mayor system, because of the large number of elected offices and because of the much larger number of citizen candidates for the elected offices, the electors are presented with the “long ballot”. The history of the long ballot is that the long list of elected offices and the much longer list of citizen candidates, is confusing and incomprehensible to the electors! The electors are not in a position to vote with a knowledge of either the candidates or the many local issues. The accountability of the elected persons to the electors is obscured and, therefore, accountability is very low!

241 The diffusion of local governmental powers and duties among the large number of persons who are either a member of the council, or an elected administrative officer or a

member of one of the boards or commissions, leads to a lack of leadership, control, unity and harmony in the community; to private and public bickering; and, ultimately, to the alienation, in the minds of the local citizens, of the affairs of the municipal corporation and the local boards and commissions.

242 The council-weak mayor system provides a decision-making structure that lacks

- (a) not only co-ordinated public policy-making by a single group of elected representatives but, also,
- (b) integrated administration of the municipal corporation's affairs by experienced officers who are appointed by the elected representatives and are subject to their policies and their direction.

243 The system has been abandoned in the great majority of the medium and larger municipalities in the United States and either the council-manager system or the council-strong mayor system has been substituted. The system has been found to be inadequate!

244 *The development of Ontario's five systems of local government was influenced, to a considerable extent, by the theories and practices of the American council-weak mayor system and, therefore, Ontario's systems contain many of the weaknesses of the American council-weak mayor system.*

America's council-manager system, chapter XVII

245 *The council-manager system is America's greatest contribution to the art of local self government!*

246 *Six principles of decision-making have been incorporated into the council-manager system. They are as follows*

- (a) *The governmental powers and duties of the local community, with the exception of education, are vested in a single elected body of 5 to 9 members – there are no special purpose authorities, other than for education,*
- (b) *the members of the council are elected at large,*
- (c) *the "short ballot" principle is followed – the only local officials that are elected to office are the members of the council,*
- (d) *the mayor is selected by the council from among its members,*
- (e) *a trained and experienced manager is appointed by the council to ensure that the council's policies are carried out and to act, subject to the policies and direction of the council, as the council's agent in the administration of the municipality's affairs, and*
- (f) *the council determines policy and, to the extent practicable, does not become involved with administration.*

247 Alternatives have been accepted with regard to two of the system's six principles. A combination of election at large and by ward (the majority of the councillors are elected at large) and the election of the mayor by the electors are acceptable alternatives to principles (b) and (d).

248 *By adhering to the principle "to find representative policy makers, elect; to choose qualified administrators, appoint", the council-manager system attempts to reconcile two of the essential characteristics of local self government, namely, the "control of local government by the electors" and the "efficient management of local government".*

249 *By the delegation of administrative powers and duties to a trained and experienced manager, the members of the council are free to lead the community; to discuss and determine the local public policies; to appraise the quality of the municipality's services to the public.*

250 In the larger centres the manager, under the direction of the council, leads, co-ordinates and directs the officers in the establishment and maintenance of "a system of co-ordinated administration at the officer level".

251 The council-manager system attempts to simplify the municipality's decision-making structure, to improve the quality of decision-making and to increase the municipality's administrative efficiency; while retaining the principles of democratic local self government.

252 *The system attracts to public office candidates of ability; the election procedures are straightforward; the council exercises the legislative powers and may delegate the executive and administrative powers; the administrative processes are understandable to the public, the councillors and the officers. Accountability of the councillors to the electors and accountability of the officers to the council is very high! Administrative processes can be modern and efficient.*

235 The philosophy of the system has influenced the form of local government decision-making throughout the world and has influenced, greatly, the thinking of elected and appointed municipal officials in many parts of Canada, particularly, in the Province of Quebec and in the larger urban centres across the country.

254 The literature and the leaders of America's council-manager system have been the inspiration for the system of local government which in this Study is referred to as 'Ontario's Council-CAO System'. The system is described and discussed in chapter IX.

255 The American council-manager system overcomes many of the weaknesses that are to be found in Ontario's smaller, medium and large systems of local government.

America's council-strong mayor system, chapter XVIII

256 The American council-strong mayor system of local government decision-making evolved during the early years of this century, because of the inability of the American council-weak mayor system to meet the needs of the large urban centres of the United States. A form of the system is in use in such cities as New York, Boston, Philadelphia, Cleveland, Detroit and Chicago.

257 The prime principal of the plan is the "separation of powers" — legislative, executive and administrative — between the council and a "strong" mayor. An essential component of the plan is a system of viable local political parties whose candidates are prepared to contest the local elected offices.

258 The local governmental powers are concentrated in a single agency — the local council; with the exception of education, there are few special purpose authorities.

259 The system provides, under the terms of a charter, that the council shall exercise

- (a) the legislative powers, certain executive powers and the power to enquire and investigate (particularly into the mayor's management of the city), and

the mayor (who is primarily a political figure) shall exercise

- (b) the power to recommend to the council, the executive powers of the municipal corporation that are not granted to the council, and the administrative powers of the corporation.

260 The system attempts to place in the hands of one man, the mayor, responsibility for the management and administration of the municipal corporation's affairs — the same responsibility that is assigned to the American president! The mayor is a political leader, a leader of the community, the chief initiator of local policies and the chief executive and administrative officer of the municipal corporation. He appoints, controls and removes the senior administrative officers and the majority of the members of the special purpose authorities — of which there are relatively few. He initiates all of the recommendations that are presented to the council and is responsible, subject to the policies of the council, for the management and administration of the city.

261 Usually, the charter of these very large cities provides for the appointment of an administrative assistant to the mayor who exercises, subject to the control of the mayor, many

of the mayor's executive and administrative powers and duties and assists the mayor in the development of policy and in the co-ordination and direction of the officers.

262 The system's electoral processes are simple and understandable (the "short ballot" principle is used). The system features strong leadership; a mayor who is the centre of political leadership and responsibility; unity of control; a simple system of decision-making that is visible to the public; a high degree of accountability of the mayor and councillors to the electors.

263 The prime weaknesses of the American council-strong mayor system are related to the system's dependence on the integrity and abilities of a single person – the mayor – and the division, delay and indecision that may arise if one of the local political groups controls the office of mayor – and, therefore, the executive and administrative powers, – while another group controls the majority of the seats on the council – and, therefore, the legislative powers.

264 On the other hand, if the powers and duties that are assigned in the charter are logical and reasonable, if the local political parties are responsible and responsive, if one of the parties exercises control and if the mayor possesses integrity and ability, the system can provide excellent, and extremely progressive, local government.

265 Thoughtful students and observers of the American local government scene are of the opinion that an adaptation of the principles of the council-manager system would serve the needs of the urban centres better than do the principles of the council-strong mayor system. However, since the concept of the strong, elected leader, with very great executive and administrative powers, is a part of the political culture of the largest of the urban centres (particularly, those that are east of the Mississippi), there is little possibility that such a change will occur in these centres in the foreseeable future.

266 The great majority of the American cities that abandoned the council weak mayor system during this century, adopted the council-manager system and rejected the council-strong mayor system! These cities were not prepared to entrust their executive and administrative powers to a single person!

267 *The American council-strong mayor system is not in accord with the traditions or the principles of municipal government in Ontario. However, the system's significance to Ontario is that it is one of the two systems that were developed and adopted in the United States during this century, by the great majority of the larger local governments, in the place of the inadequate council-weak mayor system. Many of the inadequacies of the council-weak mayor system were incorporated into Ontario's 5 systems of municipal government and are still retained in these systems!*

America's council-chief administrative officer system, chapter XIX

268 America's council-CAO system accepts the intrinsic values of the American council-manager system and adopts the following four principles of that system,

- (a) the power of the municipality is vested in a small council – with the exception of education, the powers of the special purpose authorities are returned to the council,
- (b) members of the council are elected at large,
- (c) the "short ballot" principle is followed – the only persons who are elected to local public office, with the exception of the members of the school board, are the members of the council, and
- (d) the mayor is appointed by the council from among its members,

but rejects the following two principles of that system,

- (e) a manager is appointed by the council to carry out the policies of the council and to act as the agent of the council in the administration of the municipality's affairs, and
- (f) the council determines policy and does not become involved in administration.

269 The distinguishing features of the system are derived from the concept that the council

should retain and exercise all of the powers of the municipal corporation, including the administrative powers – the council should not delegate administrative powers to a manager!

270 *The CAO is the administrative agent of the council; he performs duties that are assigned specifically to him by the council; he studies, suggests, assists, reports, recommends. The CAO is not instructed to establish “a system of co-ordinated administration”.* He leads, co-ordinates and directs the other officers of the municipal corporation only to the extent that he is authorized, specifically, to do so by the councillors. The councillors themselves retain and assume responsibility for the direct supervision of the officers and the departmental staff. The degree of supervision varies, of course, from community to community.

271 *In essence, under the council-manager system, the council engages a trained and experienced manager and instructs him to establish a system of “co-ordinated administration at the officer level”; while under the council-CAO system, the council retains the legislative, executive and administrative powers and exercises, directly, the administrative power of the municipal corporation – with the advice and assistance, as required, of an administrative officer – the CAO.*

272 *In practice, however, for many reasons, the informal role of a CAO in many municipalities may be very similar to the formal role of a manager. The powers and duties that are assigned, informally, to a CAO may be very similar to the powers and duties that are assigned, formally, to a manager.*

273 *In the final analysis, the role of a CAO or a manager is shaped by the council’s concept, and that of the CAO or the manager, of the nature of the administrative needs of the council and the municipal corporation.*

274 *The council-CAO system meets the essential need of the councillors for the services of a trained and experienced person to advise and assist them to exercise the municipal corporation’s administrative powers and duties.*

275 *However, under the American council-CAO system*

- (a) *the councillors retain and exercise the administrative powers of the municipal corporation and, therefore, are diverted from the prime needs of the corporation – the establishment and the revision of policy; representation; public debate; public information; the major local issues,*
- (b) *the municipal corporation’s day-to-day routine and repetitive administrative powers and duties are not delegated by the councillors to the officers, and*
- (c) *a system of “co-ordinated administration at the officer level” under the direction of a chief administrative officer is not established.*

276 *The effectiveness of the council-CAO system is related directly to the manner and the degree to which the councillors use the services of the CAO*

- (a) *in the development and formulation of recommendations to the council, and*
- (b) *in the co-ordination and direction of the officers and the staff.*

277 *Many of Ontario’s systems of municipal decision-making that in chapter IX are classified as a “council-no or very few committees-a CAO” system are strikingly similar, in philosophy, to the American council-CAO system. This is particularly so in the case of the great majority of the 50 Ontario municipalities that have appointed a CAO but have retained a system of administrative committees of the council to supervise the officers and the administrative affairs of the departments. The conclusions of this Chapter apply, to a very great extent, to these Ontario council-CAO municipalities!*

England’s system of local government, chapter XX

278 *English local government has been wonderfully served in recent years by royal commissions and committees (Mallaby, Maud, Maud and Wheatley) and by all of the members, officers, professors and others who participated in the work of these great studies. Much has been accomplished! Much remains to be done!*

279 The reconciliation in England of the two great dilemmas of local government, namely

- (a) the conflict between the demands of the “democratic” element and “economic” element, and
- (b) the relationships between the local authorities and the Central Government,

will be difficult, indeed.

280 However, the reports of the committees and the royal commissions and the public debate that has ensued from their publication, has given the people of England an opportunity to appraise the roles of their local governments and their Central Government and to commence the long task of reforming the pattern and the character of the local governments to

- (a) perform a wide range of tasks for the safety, health and well-being of their people,
- (b) attract and hold the interest of their voters and citizens,
- (c) develop enough inherent strength to deal with the Central Government authorities, and
- (d) adapt to the unprecedented processes of change in the way people live; work; move; shop and enjoy themselves.

281 If this historic opportunity is to be exploited to the advantage of the people of England, its decision-making processes must be effective and the leaders of all sections of its society must become actively engaged in, and committed to, the reform of its governmental institutions – both National and local.

282 *The following features of England’s system of local government should be adopted in Ontario:*

- (a) *the Ontario councils should be authorized and encouraged to delegate certain of their powers to officers, and*
- (b) *the powers of many of Ontario’s special purpose authorities should be transferred to the council.*

•283 *The following trends in England’s system of local government should be promoted in Ontario:*

- (a) *modern management techniques should be studied and applied to the decision-making processes in the municipalities,*
- (b) *the management processes of the municipalities, including co-ordination, forward planning, financial and other controls, should be strengthened,*
- (c) *a system of standing committees of the council should not be established except in the largest of the municipalities and, if a system of committees is established, their activities should be confined to the establishment and revision of policy, they should be as few as practicable, and their duties should be assigned on a functional basis that relates logically to the departmental structure,*
- (d) *a chief administrative officer, with effective decision-making powers and administrative duties, should be appointed by every municipality in Ontario,*
- (e) *a chief officer group, with the chief administrative officer as chairman, should be established in the largest of the municipalities in order to co-ordinate the municipality’s administrative processes, and*
- (f) *the number of departments should be reduced; their responsibilities should be assigned on a functional basis.*

284 *TE&IA should allocate funds to secure the services of a few persons with training and experience to head up a program that provides leadership and assistance to the municipalities in the application of modern management techniques to their decision-making processes.*

285 TE&IA should study the report of the Committee on the Staffing of Local Government (Mallaby) and determine the desirability, and the practicability, of introducing some of the recommendations of this Committee in Ontario (recruitment; career prospects; selection procedures; training; use of staff; mobility of staff).

286 *TE&IA should ensure that some, at least, of the Ministry's officers have acquired experience in the service of one or more of the Ontario municipalities.*

287 TE&IA should mount a major program to involve the public in an examination of the decision-making processes of local government in Ontario.

Local party politics in England, chapter XXI

288 A chapter with regard to England's system of local party politics was included in this Report because of the availability of first-hand information and opinions.

289 A conclusion concerning the desirability of a system of local party politics in Ontario would not be appropriate to this Report.

CHAPTER II

Recommendations

INTRODUCTION

- 1 The Chapter commences with a statement of the basic needs of the systems of decision-making which are being used in the municipal governments of Ontario.
- 2 The basic objectives of the recommendations of the Report are stated in order that the recommendations may be placed into focus. The recommendations are presented.
- 3 The basic characteristics of the recommended systems of decision-making are stated in order that a comparison may be drawn between the basic objectives of the recommendations and the characteristics of the recommended systems. 4 recommended systems of decision-making are presented in point form. The systems are illustrated in Table A.
- 4 The descriptions of the recommended systems are not intended to be definitive.
- 5 The Chapter concludes with a statement of the systems of decision-making which are reflected in the recommendations and the chapters in which the systems are described and discussed.

BASIC NEEDS OF DECISION-MAKING

- 6 A study of the conclusions which are developed in chapters III to XXI of this Report with regard to Ontario's 5 systems of municipal government and 9 other systems in Canada, the United States, and England, indicates that the conclusions may be condensed into a statement of 13 basic needs.
- 7 These basic needs are summarized in this section. A brief statement of the factors which give rise to each of the basic needs and a more complete statement of each of the needs is presented.
- 8 There is a basic need for Ontario, through TE&IA, to increase, sharply, its research and development activities with regard to the decision-making processes of the municipal governments and to
- (a) exercise leadership and initiative,
 - (b) appraise every aspect of the 5 systems of municipal government decision-making in Ontario,
 - (c) learn from the local government decision-making experiences of other jurisdictions, and
 - (d) develop a statement of the goals and objectives of the municipal governments.
- 9 There is a basic need for Ontario, through TE&IA, with the participation, as required, of the municipal governments and of the associations of their members and of their officers, to
- (a) simplify the structure within which local governmental powers (the powers of the municipal corporations, local boards and agencies) are exercised,
 - (b) establish equality and unity in the councils,
 - (c) modernize and clarify the duties of the members and the officers,
 - (d) strengthen the leadership roles of the members and the officers,
 - (e) establish the principle that the members manage and the officers administer,
 - (f) establish systems for the delegation of powers of the council to officers,
 - (g) promote mutual respect and understanding between members and officers,
 - (h) establish a system of integrated administration at the officer level, and
 - (i) establish a program to train the officers in management administration.

1
Ontario to exercise leadership and initiative

- 10 Since the Government of Ontario is responsible for the municipal governments and since

TE&IA has been assigned the duty to advise the Government with regard to the municipal governments, it is the duty of TE&IA to exercise leadership and initiative with regard to the development of solutions to the basic decision-making needs of the municipal governments.

2

Ontario to appraise every aspect of the 5 systems of municipal government decision-making in Ontario

11 The role, and the nature of the role, of the municipal governments have been changing rapidly and, therefore, the role, and the nature of the role, of the elected members and the appointed officers have been changing rapidly. Other jurisdictions have appraised the decision-making processes of their local governments and have undertaken thorough studies of the processes and, as a result, they have developed new and much more acceptable and effective, practices and procedures. *There is a basic need for TE&IA to appraise, thoroughly, the 5 systems of municipal government decision-making in Ontario and to undertake studies.*

3

Ontario to learn from the local government decision-making experiences of other jurisdictions

12 Other jurisdictions, in recent years, have developed systems of local government decision-making that overcome many of the weaknesses of Ontario's 5 systems. *There is a basic need for TE&IA, as part of an appraisal of Ontario's systems, to examine, thoroughly, the local government decision-making processes and the related practices and procedures of other jurisdictions in order that the municipal governments of Ontario may obtain the benefit of these processes, practices and procedures.*

4

Ontario to develop a statement of the goals and objectives of the municipal governments

13 There is widespread uncertainty and confusion with regard to the role of the ministries and agencies of the Province and the municipal governments, the local boards and agencies in the provision of local governmental services to the public. *There is a basic need for Ontario, as the result of research and discussion, to issue, preferably in the statutes, a definitive statement of the goals and objectives of the municipal governments.*

5

Ontario to simplify the structure within which local governmental powers are exercised

14 The great majority of the municipal governments are not viable. There are too many municipal governments. The structure of local government (the municipal governments, the local boards and agencies) is extremely complex. Decision-making is complicated and time-consuming. Responsibilities are shared and jurisdictions overlap! The electors are not able to determine the responsibilities of the elected members. The electors do not understand the workings of the system. The accountability of the elected members to the electors is almost impossible to establish. *There is a basic need, for Ontario, from a democratic point of view, to simplify the structure of local government and, thereby, to (a) make it more feasible for the electors to establish the accountability of the members and (b) improve, immeasurably, the effectiveness and efficiency of the municipal governments.*

6

Ontario to establish equality and unity in the councils

15 Some of the elected members are granted special and unusual powers. There is a separation of the powers of the council in some of the large municipalities. The members do not work as a single group, but in a series of smaller groups, in the great bulk of the larger municipalities. *There is a basic need for Ontario to ensure that the business of the councils is*

conducted in such a way as to (a) establish the equality of the members and the unity of the councils, (b) give to every member, to the extent practicable, an opportunity to be informed with regard to every decision, (c) eliminate or at least reduce, substantially, the duplication of explanations, discussions and debates and the conflict and rivalry, and (d) increase harmony and understanding among the members and, thereby, contribute, immeasurably, to the effectiveness of the members.

7

Ontario to modernize and clarify the duties of the members and the officers

16 The statutory statements of the duties of the members and officers — which are, in essence, the “Standing Orders” of the members and officers of the municipal governments — are not based upon modern theories of management and administration; do not recognize, realistically, the duties that are actually being carried out by the members and the officers and are not complete. In some cases, there is conflict and confusion between the statements. *There is a basic need for Ontario to modernize and clarify the statements of the duties of the members and the officers and, thereby, to contribute greatly to respect and understanding between the members and officers and, as a result, to an improvement in the effectiveness of the members and the officers.*

8

Ontario to strengthen the leadership roles of the members and the officers

17 The role of the heads of the councils, as the leaders of the councils and the role of the CAOs as the leaders of the COs, are not recognized, clearly, in The Municipal Act and related Acts. Leadership is an essential element of most organizations! Leadership is certainly an essential element of the municipal governments. *Therefore, there is a basic need for Ontario to (a) emphasize, in the statutes, that the prime duty of the heads of the councils is to lead the councils and that one of the prime duties of the CAOs is to lead the COs, subject to the policies and directions of the councils; and (b) encourage the heads of the councils, in particular, to take advantage of the statutes’ mandate to lead.* (The statement of this need assumes that a system of local party politics, at the municipal government level, is not established. If such a system is established, the head of the council should be selected by the members from among themselves and his duties should be confined to presiding at the meetings of the council and to representing the council on occasions of hospitality and ceremony. The leader of the council, in these circumstances, would be the leader of the majority party in the council.)

9

Ontario to establish the principle that the members manage and the officers administer

18 According to modern local government theory and practice, the members of the councils should “manage” and “represent” and the officers should “administer” in accordance with the policies and directions of the councils. The members should think in the terms of “management” and “representation”; the officers should think in the terms of “administration”. These principles are not observed in Ontario’s local governments! John Stuart Mill, many years ago, stated the principle as follows — *“The business of the elective body is not to do the work, but to see that the work is properly done and that nothing necessary is left undone”*. Until the historic principle of management is adopted in the municipal governments of Ontario the capabilities of the members to manage and to represent will continue to be inadequate and the abilities of the COs to administer will not be used to the best advantage of the members and the municipal corporations. Many of the COs will continue to be qualified for, employed for, and paid for, administrative responsibilities that are not assigned to them and for which, therefore, they are not responsible to nor, of course, accountable to the councils. The administrative duties are retained by the members of the councils. *There is a basic need for Ontario to answer the question “What can and should be done by the officers and what should be reserved for decision by the members?”*

10

Local governments to establish systems for the delegation of powers of the council to officers

19 One of the prime principles of management is that the policy-making group of an organization delegates to the administrative group the power to execute its decisions and to administer the day-to-day affairs of the organization according to its policies and its directions. In other systems of local government, in order to use the time and energy and the training and experience of the members and officers to best advantage, the councils are authorized by statute to delegate powers to the COs. The COs, in turn, with the approval of the councils, are authorized to delegate powers to other officers. In Ontario, the councils, from the largest to the smallest, are not authorized to delegate any of their powers to the COs – the administrative group. *There is a basic need for Ontario to authorize the councils to delegate powers to COs and to encourage the councils to do so.*

11

Ontario to promote mutual respect and understanding between the members and officers

20 *There is a basic need for Ontario to (a) establish systems of municipal government that facilitate mutual respect and understanding between the members and the officers, and (b) promote the adoption of such attitudes by the members and the officers.*

12

Local governments to establish a system of integrated administration at the officer level

21 If the elected members are to be free to manage the municipal governments and to represent the electors and listen to and respond to their wishes and needs, the members must assign to the officers the duty to administer the affairs of the municipal corporations in accordance with the policies and directions of the members. If the members are to assign this duty to the officers and yet be able to maintain a surveillance of the performance of the officers and if the officers are to perform the duty effectively, the use of modern administrative principles and practices is essential. *Therefore, there is a basic need for the members, when they assign the responsibility for the administrative affairs of the corporations to the officers, to stipulate that (a) modern systems of integrated administration at the officer level be established, and (b) systems of reporting that are designed to establish and to emphasize the accountability of the officers to the councils be established.*

13

Ontario to establish a program to train the officers in management and administration

22 Local governments are immersed in unprecedented change – social, economic and technological. The officers must be trained thoroughly in management and administration if they are to be able to cope with such change and if they are to be able to serve the members and the municipal corporations effectively. In addition, such training is essential if the taxpayers are to secure value for the cost of the salaries and the fringe benefits of the officers. *There is a basic need for Ontario to give the officers of the municipal corporations an opportunity to secure a first-class training in the principles and practices of management and administration in the public sector.*

BASIC OBJECTIVES OF THE RECOMMENDATIONS

23 What are the basic objectives of the recommendations of the Report? The answer to this question will not only place the recommendations into focus but will disclose the theories and the concepts that form the foundation of the recommendations.

24 The fundamental objectives of the recommendations of the Report are to:

- (a) permit the members of the councils of the municipal governments of Ontario to perform the role of (i) the policy-makers and the decision-makers of the municipal corporations, (ii) the persons who listen to and who respond to the wishes and the needs of the citizens, and (iii) the persons who explain the policies and the decisions of the councils to the citizens,
- (b) enable the members, in a meaningful manner, to (i) develop the long term and the short term goals and objectives of the municipal corporations, (ii) formulate the programs and establish the priorities which will permit the corporations to achieve these goals and objectives, and (iii) manage the corporation's human, financial and other resources effectively,
- (c) permit the officers of the municipal corporations to be the persons who establish systems of integrated administration at the officer level and who administer the affairs of the corporations in accordance with the policies and directions of the councils, and
- (d) establish unified organizations, with a unity of management and a unity of administration, to control the municipal corporations and to exercise their powers.

RECOMMENDATIONS

25 Ontario's 5 systems of municipal government are described and discussed in chapters III to XI. Conclusions are reached and recommendations are made in these chapters. Nine other systems of local government are described and discussed in chapters XII to XXI. Conclusions are reached in these chapters from an Ontario point of view.

26 The recommendations of this section are a summary of the recommendations of chapters III to XI, with additional recommendations that arise from the discussions of chapters XII to XXI and chapter I.

27 The recommendations of the Report are presented in the remainder of this section.

1

28 Treasury, Economics and Intergovernmental Affairs (hereinafter referred to as TE&IA) should thoroughly appraise Ontario's 5 systems of municipal government decision-making and the related methods and procedures and should allocate substantial resources to the appraisal.

2

29 TE&IA, as an integral part of recommendation No. 1, should thoroughly study, systems of local government in other jurisdictions in order to benefit from the thinking and experiences of others.

3

30 TE&IA, subsequent to the completion of recommendations No. 1 and No. 2, should develop a statement of the goals and objectives of Ontario's municipal governments and should recommend to the Government that a definitive statement of the goals and objectives be enacted in The Municipal Act and related acts.

4

31 TE&IA, subsequent to the completion of recommendations No. 1 and No. 2, (a) should thoroughly appraise, the roles and the duties of the elected members and the appointed officers as legislators, leaders, managers and administrators and should examine the question, "What can and should be done by the officers and what should be reserved for decision by the members" and then (b) should recommend legislation to the Government that recognizes, realistically and logically, the roles and duties of the members and the officers and that modernizes and clarifies the present statutory statements of their powers and duties.

5

32 TE&IA, subsequent to the completion of recommendations No. 1 and No. 2 and before recommendation No. 3 is finalized, should appraise the manner in which the elected members,

particularly the members of the metropolitan, regional, district, county and city municipalities, are required to exercise their powers and to carry out their duties; and should satisfy itself that the nature and the extent of the burden of the duties of the members is reasonable; otherwise, TE&IA should make appropriate recommendations to the Government.

6

33 TE&IA should recommend to the Government an acceleration of the implementation of the Government's policy for the rationalization of the structure of municipal government by the consolidation and the enlargement of the governments.

7

34 TE&IA, in co-operation with other ministries, should work for

- (a) the simplification of the local governmental structure (the municipal governments, the local boards and agencies),
- (b) the simplification of the administrative and other requirements that are imposed on the municipal governments by the ministries and agencies of Ontario, and
- (c) the transfer of local governmental powers from local boards and agencies to municipal corporations.

8

35 TE&IA should secure the services of qualified and experienced persons, including persons with appropriate municipal government experience, who would be respected by, and therefore accepted by, the members and officers of the municipal governments, to work with the members and officers in the introduction of the reforms that are recommended in this Report.

9

36 TE&IA should exercise leadership and initiative in recommending to the elected members of the municipal governments,

- (a) the establishment in Ontario of the following 4 systems of municipal government decision-making, as appropriate. (The 4 systems that are referred to are described in the next section of the Chapter and are illustrated in chart form in Table A.)
 - (i) *system No. 1*
800 small municipal governments, population 0 to 5,000
 - Council-head of the council-CAO
 - (ii) *system No. 2*
100 medium municipal governments, population 5,000 to 200,000
 - Council-head of the council-policy committee of the whole council-CAO-COs
 - (iii) *system No. 3*
8 to 10 large municipal governments, population 200,000 to 300,000
 - Council-head of the council-2 or 3 policy committees of the whole council-board of administration of appointed officers-CAO-co-ordinating officers-COs
 - (iv) *system No. 4*
3 to 5 largest municipal governments, population 300,000 and up
 - Council-head of the council-executive policy committee of the council, 3 or 4 policy committees of the council-board of administration of appointed officers-CAO-co-ordinating officers-COs,
- (b) the withdrawal of administrative committees of the councils and the substitution therefor,
 - (i) *in 100 medium municipal governments, population 5,000 to 200,000*
 - policy committees of the whole council

- (ii) *in 8 to 10 large municipal governments, population 200,000 to 300,000*
 - 2 or 3 policy committees of the whole council, and
- (iii) *in 3 to 5 largest municipal governments, population 300,000 and up*
 - executive policy committees of the council and 3 or 4 policy committees of the council,
- (c) the concept that the elected members should allocate the bulk of their time and energy to matters of management (goals, objectives, policies and priorities) and to matters of representation; while the appointed officers should allocate their time and energy to advising and assisting the councillors, to the execution of the policies of the councils and to the administration of the affairs of the municipal corporations in accordance with the policies of the councils,
- (d) the establishment of systems for (i) the leadership, co-ordination and direction of the COs, (ii) the integration of administration at the officer level and (iii) the administration of the municipal corporations in accordance with the policies and directions of the councils,
- (e) the concept that effective and economical municipal governments are dependent upon mutual respect and understanding between members and officers, and
- (f) the engagement of the services of management consultants to advise the members and the officers of the municipal governments with regard to the implementation of the recommendations of this Report.

10

37 TE&IA should recommend to the Government that 75 percent of the fees of management consultants who are engaged pursuant to recommendation 9(f), as approved by TE&IA, be provided from the revenues of the Province because Ontario has an extremely high stake in a program which is designed to improve the decision-making processes and the related practices and prodedures of the municipal governments.

11

38 TE&IA should develop a first-class program for training the officers of the municipal governments in the principles of management and administration, including, of course, the decision-making processes (perhaps by the supplementation of the training programs of the International City Management Association); TE&IA should recommend the establishment of the program to the Government and, if this is approved, TE&IA should exercise leadership and initiative in securing the acceptance of and the participation of the officers of the municipal governments in the program.

12

39 TE&IA should, after thorough study and consultation, prepare

- (a) a model procedure by-law that includes an outline of the organization and the duties of the members and of the officers and the relationships between the members and the officers, for each of the 4 systems of decision-making of recommendation 9(a),
- (b) a model by-law that outlines a system of integrated administration at the officer level and that includes the organization and the duties of the officers, and
- (c) model draft statements of the duties that the statutory officers perform, or should perform, i.e. the CAO, the clerk of the council, the treasurer, etc.

13

40 As an integral part of recommendation No. 3, TE&IA should study the use of the terms "municipal government" and "local government" (both terms are used interchangeably in Ontario); determine which of the terms is the more appropriate; recommend the more appropriate term to the Government; and then promote the use of the term that is acceptable to the Government in the statutes, in TE&IA, in the ministries and agencies of Ontario, in the municipal governments and by the public.

41 TE&IA to prepare the following draft legislation for submission to the Government:

- (a) a provision with regard to the election of members of councils which authorizes, at the option of electors, the election of members at large, by ward, or by a combination of at large and by ward,
- (b) provisions with regard to the heads of the councils which
 - (i) authorize, at the option of the electors, the election of the heads of the *local* councils either by the electors or by the councils from among their members,
 - (ii) repeal the statement of the duties of the heads of the councils in section 211 of The Municipal Act, including their duty to oversee the officers,
 - (iii) repeal the statement in section 210 of The Municipal Act, and in corresponding sections of the Metropolitan, regional and district municipality acts, that the heads of the councils are the chief executive officers of the corporations,
 - (iv) enact in The Municipal Act and in the Metropolitan, regional and district municipality acts, with appropriate changes, if any, a modern definitive statement of the powers and duties of the heads of the councils that
 - clarifies and strengthens their role as the leaders of the councils and as leaders in the local communities,
 - recognizes their roles as the representatives of the councils on occasions of hospitality and ceremony, and
 - establishes the offices of the heads of the councils as the office to which the citizens of the municipalities are invited, and are encouraged, to present their problems and their complaints, insofar as they relate to the duties of the municipalities and the services that they provide to the public,
 - (v) enact in The Municipal Act that the heads of the *local* councils, if they are to be elected by electors, be granted special powers that are designed to recognize their roles as leaders of the councils, such as
 - the power to return a matter to the councils for their reconsideration and confirmation,
 - the power to select the members of the executive committees of the councils, and the chairmen of the other committees,
 - the deciding vote in the executive committees in the event of a tie, and
 - membership, ex-officio, on the committees of the councils and the local boards and agencies of which the councils are authorized to appoint a member, and
 - (vi) enact a provision in the appropriate acts that the heads of the councils of the 8 to 10 large municipal governments and the 3 to 5 largest municipal governments (described in the next section of this Chapter) not be the chairman of a committee of the council – the provision to be designed to conserve the time and energy of the heads of the councils for the duties that are described in item (iv) above.
- (c) provisions with regard to boards of control and executive policy committees of the councils which
 - (i) repeal sections 201 to 206 of The Municipal Act. These sections apply mutatis mutandis to the executive committees of the councils of Metropolitan Toronto and of Regional Ottawa-Carleton and provide
 - the conditions under which boards of control shall, may, or may not, be established,
 - for the separate election, by the electors, of a mayor, the members of a board and the other members of a council, and
 - the powers and duties of boards, including the restrictions that are imposed on councils under the terms of which certain of the recommendations of boards to councils may not be altered or rejected by the councils unless 2/3rds of all of the members of the councils vote against such recommendations, and

- (ii) enact, in the appropriate acts, as required, a provision that authorizes the 3 to 5 largest municipal governments (described in the next section of this Chapter) to establish executive policy committees of the councils to be comprised of a chairman who is not the chairman of one of the 3 or 4 policy committees, the chairman of the policy committees and the head of the council, ex-officio; the terms of the provision should be modern and definitive, but general; the terms should reflect the concept that an executive policy committee is responsible to, and should be responsive to, the council; and the terms should state the duties that shall be, and the duties that may be, assigned by a council to the committee,
- (d) a provision in The Municipal Act and related acts that recognizes and authorizes the councils to establish policy committees of the council to study any matter which is within the powers of the councils and to report thereon to the councils,
- (e) a provision in The Municipal Act and related acts that authorizes councils to delegate, with or without restrictions or conditions, the executive and administrative powers and duties that are exercisable by the councils, to one or more officers of the corporation or to a board of administration comprised of two or more officers; with the added provision that, as an integral part of a system of delegation, the officer or officers, with the approval of the councils, may delegate, with or without restrictions or conditions, all or a portion, of the powers received from the councils,
- (f) provisions with regard to the office of chief administrative officer of the municipal corporations (CAO) which
 - repeal section 214a of The Municipal Act containing a statement of the duties which the councils may assign to CAOs,
 - enact a definitive statement, in general terms, of the duties which councils shall, and the duties which councils may, assign to a CAO – the provision should recognize the role of the CAO as described in this Report and reflect the study and consultation that is recommended in recommendation No. 12, and
 - enact a requirement that the council of every city, town, village and township municipality and of every metropolitan, regional, district and county municipality shall appoint a CAO – in the small municipal governments the person appointed by the council to be the CAO could be appointed, also, to some or all, of the other offices of the municipal corporation.
- (g) a provision with regard to boards of administration which authorizes the 8 to 10 large and the 3 to 5 largest municipal governments (described in the next section of this Chapter) to establish a board of administration and which outlines, in general terms, the duties that shall be, and the duties that may be, assigned to a board, and
- (h) provisions with regard to the other offices of the municipal corporations, such as the treasurer and the clerk of the council, which
 - repeal the sections of The Municipal Act which provide for the duties of these officers, and
 - enact modern, definitive statements, in general terms, which recognize, realistically, the duties that these officers of the corporations perform, or should perform – the statements should reflect the study and consultation that is recommended in recommendation No. 12.

15

42 TE&IA should consult the Association of Municipalities of Ontario, and the appropriate associations of the municipal officers, with regard to the study of many of these recommendations. However, TE&IA should exercise leadership and initiative and assume full responsibility for the studies, the introduction of the reforms and for assisting the members and officers in the implementation of the recommendations in the municipal governments.

BASIC CHARACTERISTICS OF THE RECOMMENDED SYSTEMS

43 What are the basic characteristics of the 4 revised systems of municipal government decision-making which are recommended in the Report?

44 As one might expect, the basic characteristics, which are incorporated into the revised systems, were selected in order that the revised systems would meet the basic objectives of the recommendations. The objectives are stated in paragraph 24.

45 If the basic objectives of the recommendations are to be achieved, (a) the unity of the councils must be established and be maintained during the decision-making processes, to the fullest extent practicable, and (b) systems of integrated administration at the officer level must be established. Therefore, the concepts of the unity of the members and of the unity of the officers are incorporated into the 4 revised systems.

46 To establish unity, a major question must be answered, namely, "Under what conditions of quality of citizenship, community conflict, local politics, local traditions, population, wishes of the electors and of the members, etc., is it practicable for the councils to carry out their duties of management and representation and, yet, maintain the unity of the council? "

47 Experience discloses that the unity of the council could be maintained in the great majority of the municipal governments of Ontario! For instance, the Council of the City of Windsor carries out its duties of management and representation in a community of 200,000 persons and yet the council maintains its unity.

48 Experience in Western Canada and elsewhere discloses that councils of communities substantially larger than the City of Windsor carry out their duties of management and representation and yet the councils maintain their unity.

49 *The basic characteristics of the municipal governments which maintain a unity of management and a unity of administration are as follows:*

- (a) *the councils of medium governments (see Table A)*
 - (i) *discuss and resolve the business of the council, informally, in a policy committee of the whole council; the recommendations of the policy committee are presented to the council for formal decision, and*
 - (ii) *appoint a CAO to lead and co-ordinate the COs in*
 - the establishment of a system of integrated administration at the officer level, and*
 - the administration of the day-to-day affairs of the corporation, in accordance with the policies and the directions of the council, while*
- (b) *the councils of large governments (see Table A)*
 - (i) *discuss and resolve the business of the council, informally, in 2 or 3 policy committees of the whole council; the recommendations of the policy committees are presented to the council for formal decision, and*
 - (ii) *establish a board of administration, under the leadership and co-ordination of a CAO, to*
 - establish a system of integrated administration at the officer level, and*
 - administer the day-to-day affairs of the corporation in accordance with the policies and the directions of the council.*

50 If it is not practicable for a council to carry out its duties to manage the municipal corporation and to represent the electors and, at the same time, to maintain the unity of the council, what should the organization of the members and of the officers be?

51 It is a conclusion of this Report that, in such circumstances, the basic characteristics of the organizations which are described in paragraph 49 should be adhered to but that a number of modifications, which recognize the increased complexity and the increased number of the decisions of the councils, should be introduced.

52 *These modifications to the basic characteristics should be introduced in the largest of the municipal governments (see Table A). They are four in number. They are as follows:*

- (a) *an executive policy committee of the council is established,*
- (b) *The chairman of the executive policy committee relieves the head of the council of the work of co-ordinating the efforts of the members, particularly in the formulation of the policies and in matters of representation,*
- (c) *the executive policy committee and the policy committees are not established as committees of the whole council, and*
- (d) *the number of the policy committees is increased.*

RECOMMENDED SYSTEMS OF DECISION-MAKING

53 The recommended systems of municipal government decision-making which are described in this section incorporate the characteristics which are described in paragraphs 49 and 52.

54 The changes which are recommended in this Chapter will:

- (a) use the time and energy of members to best advantage; bring equality and unity to members; clarify members' duties; increase the amount of the time and energy of members which is available for the more pressing problems; sharply increase the quality of the services which are rendered by COs to members; and, at the same time,
- (b) use the training and experience of COs to best advantage; increase the degree of their responsibility and accountability to members; increase their effectiveness, generally; attract more qualified persons to the service of municipal governments; and
- (c) establish systems of integrated administration which are administered by COs in accordance with policies and directions of members.

55 If the recommendations are accepted, the municipal governments will be free to establish one of 4 systems of decision-making. The elements of these systems are (see Table A):

in System No. 1

800 small municipal governments, population 0 to 5,000

- (a) a council
- (b) a head of the council, and
- (c) a CAO who, in most cases, will be the clerk-treasurer and the incumbent of other offices of the municipal corporation, while there will be established

in System No. 2

100 medium municipal governments, population 5,000 to 200,000

- (d) a policy committee of the *whole* council, and
- (e) the CAO (in most cases the CAO will not be the incumbent of any other office) and
- (f) COs, whose responsibilities will be recognized more clearly; while there will be established

in System No. 3

8 to 10 large municipal governments, population 200,000 to 300,000

- (g) 2 or 3 policy committees of the *whole* council, instead of a single policy committee, and
- (h) a board of administration of appointed officers, and
- (i) a small number of co-ordinating officers who will be members of the board of administration and to whom a number of COs will report; while there will be established

in System No. 4

3 to 5 of the largest municipal governments, population 300,000 and up,

- (j) an executive policy committee of the council. (not a committee of the whole council)
- (k) A system whereby the chairman of the executive policy committee will relieve the head of the council of much of the work which the head of the council must otherwise perform, and
- (l) An increase in the number of the policy committees of the council (not committees of the whole council).

56 *The ranges of populations of the municipal governments which are indicated in paragraph 55 are intended to be only a general guide to the municipal governments that could adopt the systems which are identified in the paragraph.*

57 Obviously, the nature of the powers and duties of each of the elements of these systems, will vary greatly, depending upon a number of factors, such as the complexity and the number of the decisions which come before the councils; the volume of the work of the municipal corporations; and the wishes of the electors and the members.

58 The 4 systems of municipal government which are recommended in the Report are described briefly in the next 4 sections of this Chapter. The descriptions, in the interests of clarity and brevity, are in point form. The descriptions are intended to describe the system, in general terms only. They are not intended to be definitive.

*Recommended System No. 1
800 Small Municipal Governments
population 0 to 5,000*

COUNCIL

- Elected at large
- Forum for (a) the informal and the formal discussion and resolution of the policies of the council, and (b) the taking of the decisions of the council

HEAD OF THE COUNCIL

- Elected at large, or selected by the councillors from among themselves, at the option of the electors.
- If elected at large, is granted special powers
- Is the leader of the council and a leader in the local community

CAO

- In the case of the majority of the small municipal governments, the duties of the CAO do not require the full time of the CAO and therefore the CAO is also the clerk-treasurer and, in many cases, the incumbent of other offices of the municipal corporation
- Reports to the council
- Advises and assists the council; executes the policies and the decisions of the council; administers the affairs of the municipal corporation with the assistance of the COs, if there are any, according to the policies and the directions of the council
- Exercises the powers that are delegated by the council to him

COs, if any

- Very few regular employees in the case of the majority of the municipal governments
- Report to the CAO
- Administer the affairs of a department in accordance with the policies and the directions of the council
- Exercise the powers that are delegated by the council and the CAO to them

Recommended System No. 2
100 Medium Municipal Governments
population 5,000 to 200,000

COUNCIL

- Elected (a) at large, (b) by ward, or (c) by a combination of at large and by ward at the option of the electors
- Forum for (a) the debate of local issues, and (b) the taking of the formal decisions of the council

HEAD OF THE COUNCIL

- Elected at large, or selected by the councillors from among themselves, at the option of the electors
- If elected at large is granted special powers by statute and is (a) the head of the council; (b) the leader of the council; (c) a leader in the local community; (d) *the chairman of the policy committee of the whole council*; and (e) the representative of the council on occasions of hospitality and ceremony
- If selected by the councillors from among themselves;
 - (a) is the head of the council; (b) the leader of the council; (c) a leader in the local community; (d) *a member, ex-officio, of the policy committee of the whole council*, and (d) the representative of the council on occasions of hospitality and ceremony, and
 - A member is selected by the council (a) *to be the chairman of the policy committee of the whole council*; and (b) the member selected is assigned the duty to co-ordinate the efforts of the members in the formulation of the policies of the council and in the work of representation.

POLICY COMMITTEE OF THE WHOLE COUNCIL

- Forum for the informal discussion and the resolution of the policies and the decisions of the council
- Policies, after they have been formulated in the policy committee, are placed on the agenda of the council for formal decision

CAO

- In the case of the larger municipal governments, the duties of the CAO are full time
- Is appointed by the council and reports to the council
- Advises and assists the council; (b) ensures that the policies and the decisions of the council are executed; (c) leads, co-ordinates and direct the COs in the administration of the affairs of the municipal corporation according to the policies and the directions of the council
- Makes a recommendation to the council with regard to every recommendation of a CO
- Assists the COs in the presentation of their reports to the council
- Recommends to the council the appointment, promotion and discharge of COs and other officers
- Exercises the powers that are delegated by the council to him

COs

- The number of COs increases as the duties of the municipal corporation increases
- Are appointed by the council and report to the CAO
- Administer the affairs of a department in accordance with the policies of the council and the directions of the CAO
- Reports of the COs are presented directly to the council with the recommendation of the CAO appended thereto

- COs “stand on their own feet” in the support of their reports to the council and in the administration of the departments
- Exercise the powers that are delegated by the council and the CAO to them

*Recommended System No. 3
8 to 10 Large Municipal Governments
population 200,000 to 300,000*

COUNCIL

- Elected (a) at large, (b) by ward, or (c) by a combination of at large and by ward at the option of the electors
- Forum for (a) the debate of the local issues and (b) the taking of the formal decisions of the council

HEAD OF THE COUNCIL

- Elected at large, or selected by the councillors from among themselves, at the option of the electors
- If elected at large is granted special powers by statute and is (a) the head of the council; (b) the leader of the council; (c) a leader in the local community; (d) *the chairman of the policy committee of the whole council which co-ordinates the work of the policy committees*; (e) a member, ex-officio, of the other policy committees and (f) the representative of the council on occasions of hospitality and ceremony
- If selected by the councillors from among themselves:
 - (a) is the head of the council; (b) a leader in the local community; (c) *a member, ex-officio, of the policy committees of the council*, and (d) the representative of the council on occasions of hospitality and ceremony, and
 - Another member is selected by the councillors (a) *to be the chairman of the policy committee of the whole council which co-ordinates the work of the other policy committees* (in Edmonton, for instance, the Legislative Policy Committee), and (b) is assigned the duty to co-ordinate the work of the committee in the formulation of the policies of the council and in the work of representation

POLICY COMMITTEES OF THE WHOLE COUNCIL, 2 or 3 committees

- The number of policy committees of the council is increased because of the volume and the complexity of the work of the council
- Duties are assigned by the council to the policy committees on a functional basis, i.e. finance and administration, works and operations, environment
- Forum for the informal discussion and the resolution of the policies of the council
- Policies, after they have been formulated in the policy committees, are placed on the agenda of the council for formal decisions
- Assume the representation duties of the council

BOARD OF ADMINISTRATION

- Is comprised of the CAO and 2 co-ordinating officers
- Reports to the council
- Advises and assists the policy committees and the council
- Is the focal point for the development of recommendations to the policy committees and to the council
- Prepares a recommendation to the policy committees with regard to every policy that is to be submitted by a policy committee to the council
- Exercises the lesser executive and the administrative powers of the corporation, as delegated by the council, subject to the policies and the directions of the council

- Delegates, with the approval of the council, powers to the CAO, the COs and officers to be exercised subject to the policies of the council and the directions of the board
- Principles of “management by exception” are used by the board, the CAO, the COs and the officers, extensively, in the exercise of the powers that are delegated
- A recommendation of the board which comes within the terms of reference of one of the policy committees is submitted by the board to the appropriate policy committee; the policy committee studies the recommendation and reports thereon to the council
- Each member of the board, usually, is trained in a discipline which is different than the disciplines of the other members

CAO

- Is appointed by the council and reports to the council
- Advises and assists the council and, in particular, the head of the council and the chairmen of the policy committees of the council
- Exercises leadership and initiative, in co-operation with the head of the council and the chairmen of the policy committees, in the formulation of policies and the establishment of administrative controls
- Ensures that the policies and the decisions of the council are carried out
- Is the chairman of the board of administration in which role he strives to achieve a consensus among the members of the board
- Leads, directs and co-ordinates the COs in the administration of the affairs of the municipal corporation according to the policies and directions of the council
- Exercises the powers that are delegated to him

CO-ORDINATING OFFICER, 2

- Are appointed by the council and report to the CAO
- 2 or 3 COs report to each of the co-ordinating officers
- Are members of the board of administration and, therefore, members of the senior administrative team
- Are trained and experienced administrators

COs

- Are appointed by the council on the recommendation of the CAO and report to one of the co-ordinating officers
- Administer the affairs of a department in accordance with the policies of the council and the board of administration and the directions of the responsible co-ordinating officer
- Exercise the powers that are delegated to them

*Recommended System No. 4
3 to 5 Largest Municipal Governments
population 300,000 and –*

COUNCIL

- Elected (a) at large, (b) by ward, or (c) by a combination of at large and by ward, at the option of the electors
- Forum for (a) the debate of the local issues, (b) the management of public conflict and (c) the taking of the formal decisions of the council
- Exercises the legislative powers and the most significant of the executive powers and delegates the remainder of the executive powers and the administrative powers to a board of administration
- Exercises ultimate direction and control of the municipal government and allocates

the bulk of its time and energy to matters of major significance, i.e. the goals and objectives of the government and its policies and priorities

- Authorizes a board of administration, under the direction of an executive policy committee of the council, to administer the affairs of the corporation in accordance with the policies and the directions of the council

HEAD OF THE COUNCIL

- Is selected by the councillors from among themselves
- Is (a) the head of the council, (b) a member, ex-officio, of (i) the executive policy committee of the council and (ii) the 3 or 4 policy committees and a leader in the local community
- Representative of the council on occasions of hospitality and ceremony
- Is free from the executive and internal administrative duties of the council

EXECUTIVE POLICY COMMITTEE OF THE COUNCIL

- Comprised of a chairman, the chairmen of the 3 or 4 policy committees of the council and the head of the council, ex-officio
- Studies, prepares reports, and makes recommendations to the council with regard to the goals and objectives of the municipal government, the allocation of its resources, its land use policies and priorities, its finance policies, including the capital and the current budgets, its personnel policies, its general management policies and its council-employee-public and Ontario relationships
- Co-ordinates the work of the policy committees of the council; receives the policy committees' recommendations to the council and reports thereon to the council
- Co-ordinates and directs the work of the board of administration; receives the recommendations of the board to the council and reports thereon to the council

CHAIRMAN OF THE EXECUTIVE POLICY COMMITTEE OF THE COUNCIL

- Is selected by the councillors from among themselves
- Leads the executive policy committee in the formulation of the policies of the council, in the co-ordination of the work of the policy committees of the council and in the direction of the board of administration
- Working in close co-operation with the head of the council makes it practicable for him to carry out his many time-consuming duties

POLICY COMMITTEES ON THE COUNCIL, 3 or 4

- Number of the policy committees of the council is increased because of the volume and the complexity of the work of the council
- The chairmen of the policy committees are selected by the council; each chairman is a member of the executive policy committee
- Duties are assigned by the council to the policy committees on a functional basis, e.g., finance and administration, works and operations and environment
- Forum for the informal discussion of new policies of the council and for the revision of existing policies that come within the terms of reference of the committee
- Policies, after they have been formulated in the policy committees, are submitted to the council, for formal decision, through the executive policy committee
- Are essentially deliberative in nature
- Powers are not delegated to the policy committees; the policy committees are not assigned administrative duties
- Assume the representation duties of the council, i.e. considers the wishes, opinions, reactions, interests and criticisms of the public

BOARD OF ADMINISTRATION

- Is comprised of the CAO and 2 co-ordinating officers
- Reports to the executive policy committee of the council
- Advises and assists the executive policy committee and the policy committees
- Is the focal point for the development of recommendations to the policy committees and to the council
- Prepares a recommendation to the executive policy committee or to the policy committees with regard to every policy that is to be submitted by a policy committee to the council
- Exercises the lesser executive and the administrative powers of the corporation, as delegated by the council, subject to the policies of the council and the directions of the executive policy committee
- Delegates, with the approval of the council, powers to the CAO, the COs and officers; these powers to be exercised subject to the policies of the council and the directions of the board
- The principles of “management by exception” are used by the board, the CAO, the COs and the officers extensively in the exercise of the powers that are delegated
- A recommendation of the board that comes within the terms of reference of one of the policy committees is submitted by the board to the appropriate policy committee; the policy committee studies the recommendation and reports thereon to the executive policy committee or the council, as appropriate
- Each member of the board is usually trained in a discipline different from the disciplines of the other members

CAO

- Is appointed by the council and reports to the executive policy committee
- Advises and assists the council and, in particular, the head of the council and the chairmen of the executive policy committee of the council
- Exercises leadership and initiative, in co-operation with the head of the council and the chairman of the executive policy committee in the formulation of policies and the establishment of administrative controls
- Ensures that the policies of the council and the directions of the executive policy committee are carried out
- Is the chairman of the board of administration in which role he strives to achieve a consensus among the members of the board
- Is the CAO of the municipal corporation but is not assigned detailed administrative responsibilities
- Leads, directs and co-ordinates the co-ordinating officers in the administration of the affairs of the municipal corporation according to the policies of the council and the directions of the executive policy committee of the council
- Does not seek to override the exercise of the responsibilities of the COs, including their statutory duties or their professional judgments,
- Exercises the powers that are delegated to them

CO-ORDINATING OFFICER, 2

- Appointed by the council and report to the CAO
- 2 or 3 COs report to each of the co-ordinating officers
- Are members of the board of administration and, therefore, members of the senior administrative team
- Are trained and experienced administrators

COs

- Appointed by the council on the recommendation of the CAO and report to one of the co-ordinating officers
- Administer the affairs of a department in accordance with the policies of the

council and the board of administration and the directions of the responsible co-ordinating officer

- Are responsible for the preparation of the reports and the recommendations from a department to the board of administration
- Exercise the powers that are delegated to them

ORIGIN OF THE RECOMMENDED SYSTEMS

59 The systems of municipal government decision-making which are recommended in this Chapter incorporate certain principles and practices which are to be found in the municipal governments of Ontario and of other jurisdictions. These principles and practices are described and discussed in subsequent chapters. It is not practicable to repeat the descriptions and the discussions in this Chapter.

60 However, in order to relate generally the principles and practices of the systems that are recommended to the specific chapters of the Report, it may be helpful to point out that,

- (a) System No. 1 is derived essentially from the conclusions and/or the recommendations of the following chapters,

Number	Title
VII	Ontario's council-no committee-no CAO system, and
VIII	Ontario's council-one or more committees-no CAO system,

- (b) System No. 2 is derived substantially from the conclusions and/or the recommendations of the following chapters,

Number	Title
IX	Ontario's council-no or very few committees- a CAO system
XII	Quebec's council-manager system, and
XVII	America's council-manager system

- (c) System No. 3 is derived substantially from the conclusions of chapter XIV which describes and discusses Western Canada's council-commissioner system, while

- (d) System No. 4 is derived, substantially, from the conclusions of the following chapter,

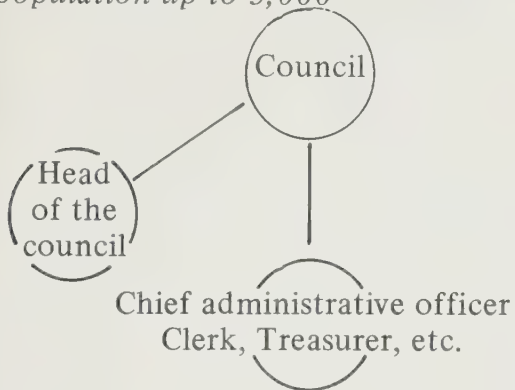
Number	Title
XIII	Quebec's council-mayor-executive committee-CAO system
XV	The New City of Winnipeg's system
XVIII	America's council-strong mayor system, and
XX	England's system of local government

61 The conclusions and recommendations of chapters III, IV and Part 2 of chapter VIII, which describe and discuss the head of the council, the CAO, the delegation of the powers of the council and the committees of the council, apply to each of the recommended systems of municipal government.

Table A

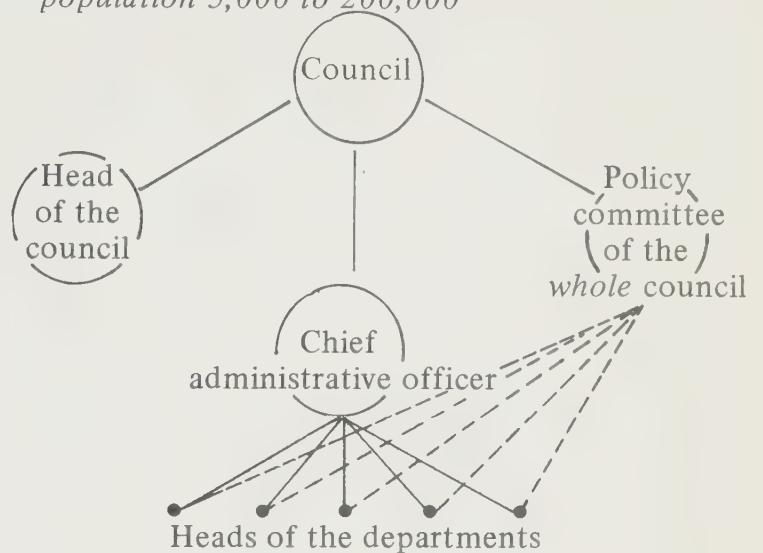
4 RECOMMENDED SYSTEMS OF MUNICIPAL GOVERNMENT FOR ONTARIO

No. 1
800 Small Municipal Governments
population up to 5,000

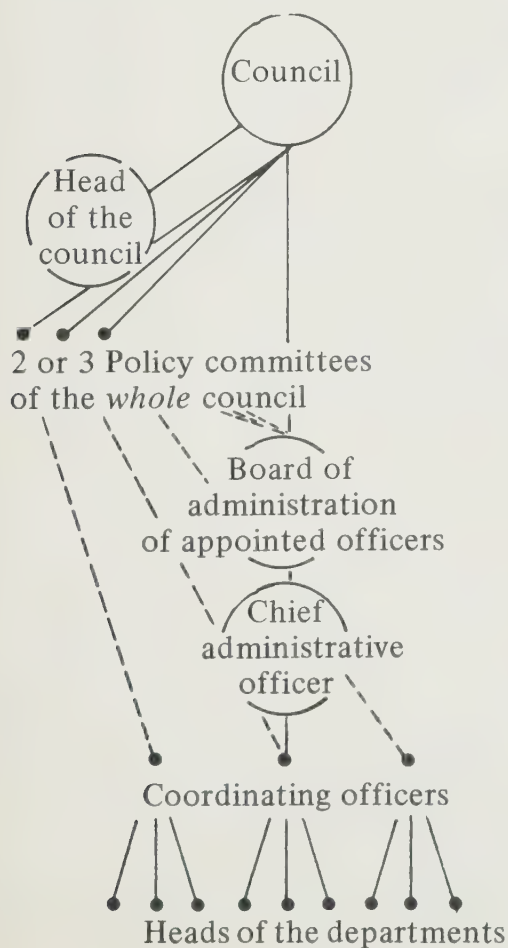


Note:
Lines of command
Lines of contact or advice

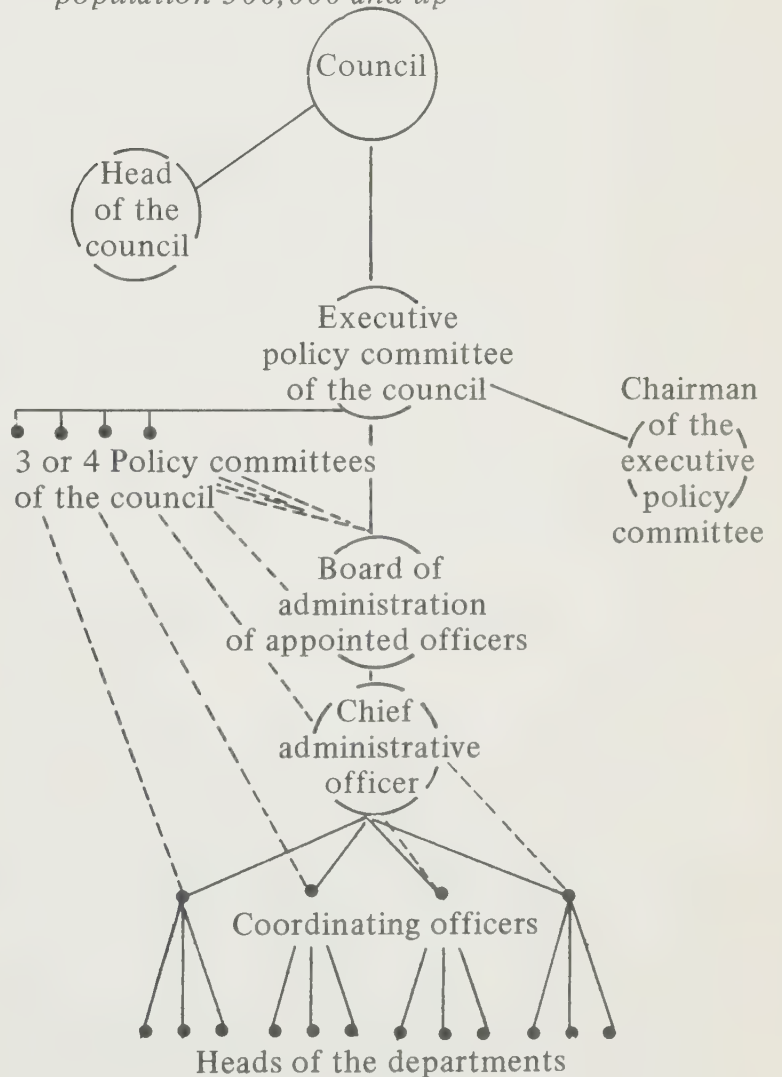
No. 2
100 Medium Municipal Governments
population 5,000 to 200,000



No. 3
8 to 10 Large Municipal Governments
population 200,000 to 300,000



No. 4
3 to 5 Largest Municipal Governments
population 300,000 and up



CHAPTER III

The Head of the Council and the Chief Administrative Officer

INTRODUCTION

1 This Chapter deals with the need for Ontario to consider thoroughly the function of the head of council and the function of the chief administrative officer of the municipal corporation. *Because of the urgent need to strengthen the leadership of Ontario's local governments and the level of the administrative skills that are available to them, the Chapter is one of the most significant chapters of this Report.*

2 The Chapter begins with a brief summary of the century-old statement of the duties of the head of the council, a comparison of these duties with the duties of the head of the council in other Provinces, the United States and England and a list of the significant duties of the head of a council that are not mentioned in the Ontario statutes. The conflict between the statutory duty of the head of the council to “oversee” the officers and the authority that has been granted, recently, to the councils to appoint a chief administrative officer (CAO) who “shall be responsible for the — administration of — departments — to the extent — he is given authority —” is discussed.

3 The history and the significance of the statement in The Municipal Act and in other related acts that the head of the council is the “chief executive officer (CEO) of the corporation” is then discussed. The generally accepted use of the term CEO in Ontario is discussed at length. The correctness of the statement that the head of the council of the city, town, village, township and county municipalities is the CEO of the corporation is dealt with. *A detailed discussion of the Chairman of the Council of Metropolitan Toronto, as the CEO and, also, the chief administrative officer (CAO) of the Metropolitan Toronto Corporation, is presented. The discussion includes a comparison between the office of the head of the council in Metropolitan Toronto and in other major cities in Canada, the United States and England.*

4 The desirability of giving the electors the option of determining whether the head of the council should be selected by the councillors from among themselves, or should be elected directly and separately by the electors, is discussed.

5 The Chapter concludes with a review of the history of the legislation in Ontario with regard to the appointment of a CAO; an indication of the number of councils that have, in fact, appointed a CAO and a discussion of the desirability of the compulsory appointment by the council of a CAO of the corporation.

6 Conclusions are drawn. Recommendations are made.

Part 1

STATUTORY DUTIES OF THE HEAD OF THE COUNCIL

Head of the council

7 The reeve, warden, mayor or chairman is the head of the council according to The Municipal Act and the metropolitan, regional and district municipality acts and The City of the Lakehead Act.

8 The duties of the head of the council which are set out in section 211 and in several other sections of The Municipal Act may be summarized as follows:

- (a) preside at the meetings of the council and of the board of control,

- (b) summon special meetings of the council,
- (c) be vigilant and active in causing the laws for the government of the municipality to be executed and obeyed,
- (d) oversee the conduct of all “subordinate” officers,
- (e) cause negligence, carelessness and violation of duty to be prosecuted, and
- (f) recommend to the council measures for the improvement of the municipality.

The statement of duties of the head of the council has not been made applicable to the metropolitan, regional and district municipality acts nor to The City of the Lakehead Act.

Chief executive officer of the corporation

9 The Municipal Act and the metropolitan, regional and district municipality acts and The City of the Lakehead Act state that the reeve, warden, mayor or chairman is “the chief executive officer of the corporation”.

These acts do not describe the duties of the chief executive officer of the corporation.

DUTIES OF THE HEAD OF THE COUNCIL IN CANADA, THE UNITED STATES AND ENGLAND

No change in Ontario for 100 years

10 *The statement of the duties of Ontario’s reeves, wardens, mayors and chairmen in The Municipal Act has not been changed since at least 1877 – a period of almost 100 years! The statement in the present Act is identical to the statement in the Act in 1877.*

11 It is not surprising, therefore, to find that the statement of the duties of these extremely important local political leaders is hopelessly out of date! The statement of their duties does not recognize the prime duties of the heads of the councils – to lead, to initiate and to co-ordinate the efforts of the councillors, the officers and the many groups in the local communities that work for the betterment and the enrichment of the local citizens. The statement of duties in the Act is concerned, almost exclusively, with matters of administration.

12 If the heads of the Ontario councils are to become more effective in leading the councils to the attainment of their goals and objectives, it is essential that the statutory statement of their duties should be stated (a) clearly and realistically, (b) in a manner that provides not only guidance but also leadership and (c) in a manner that states not only their relationships to the councillors and officers but also their role in the local community.

13 In appraising the significance of the role of the heads of the councils, and the need to strengthen and to clarify their role, the following quotation from Edward C. Banfield, Harvard’s outstanding authority on politics in local government, in his book *Urban Government* is relevant. Banfield expresses the opinion that “*the big problem at City Hall is no longer honesty, or even simple efficiency –. Today, the big problem is not good housekeeping; it is whether the mayor can provide the aggressive leadership and the positive programs without which no big city has a prayer*”.

Duties of the head in Ontario, and in other Provinces

14 The head of the council in Ontario, and in other provinces, as indicated, is required to,

- (a) preside at the meetings of the council
according to the statutes of Ontario, Alberta, Saskatchewan, Manitoba, New Brunswick
- (b) cause the laws for the government of the municipality to be executed and obeyed
according to the statutes of Ontario, British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, Nova Scotia

- (c) oversee the conduct of the officers (verbs such as inspect, supervise, superintend, investigate and control are used)
according to the statutes of Ontario, British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, Nova Scotia
- (d) cause negligence, carelessness and violation of duty by the officers to be prosecuted and punished (in some of the provinces, this duty is not limited to the negligence, etc. of the officers)
according to the statutes of Ontario, British Columbia, Alberta, Saskatchewan, Manitoba, Nova Scotia
- (e) make recommendations to the council to improve the finances, health, security, cleanliness, comfort and ornament of the municipality (British Columbia's Act uses the phrase "peace, order and good government")
according to the statutes of Ontario, British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, Nova Scotia

Duties of the head, in other provinces, but not in Ontario

15 The head of the council in other Canadian provinces, as indicated, in order to strengthen his role as the leader of the council, is granted the power or is assigned the duty to

- (a) return any matter to the council for its reconsideration
according to the statutes of British Columbia, Manitoba, Quebec
- (b) suspend any officer or employee, subject to subsequent confirmation of the council
according to the statutes of British Columbia, Saskatchewan, Quebec
- (c) be a member, ex-officio, of all boards, associations, commissions, committees or other organizations to which the council has the right to appoint members
according to the statutes of Alberta
- (d) establish standing committees of the council and to appoint members thereto
according to the statutes of British Columbia
- (e) direct the method of the management of the business and of the affairs of the municipality
according to the statutes of British Columbia
- (f) read communications from the Minister of Municipal Affairs to the council and, if requested to do so by the Minister, to publish such communications as a public notice
according to the statutes of Quebec
- (g) furnish to the Minister of Municipal Affairs, on demand, any information concerning the execution of the municipal laws and, with the concurrence of the council, to furnish to him any other information "which he may be able to give"
according to the statutes of Quebec

Duties of the head in the United States

16 Under the American council-weak mayor system the local governmental powers are dispersed widely between the municipal corporation and many special-purpose authorities and agencies. The powers of the municipal corporation, in turn, are dispersed widely between the council, the mayor and elected administrative officers. The powers of the mayor are nominal — thus the phrase "weak mayor". He is not in a position to exercise leadership and initiative. The system, because of its weaknesses, has been abandoned by most of the medium and larger municipalities for either the council-manager system or the council-strong mayor system.

17 Under the council-manager system, in order to maintain the unity of the council in the exercise of the powers of the municipal corporation and to establish a "first-among-equals relationship" between the mayor and the councillors, the mayor, usually, is selected by the

councillors from among themselves. Usually, the mayor is not granted special powers. His powers are based upon the support and the co-operation of the councillors who appointed him to his high office.

18 Under the council-strong mayor system the mayor is usually elected at large as the successful nominee for the office of mayor of a local political party. The mayor, under a system of separation of powers, exercises the executive and the administrative powers of the municipal corporation, subject to the ordinances of the council. His powers are extremely broad, are “strong” – thus the phrase “strong mayor”.

Duties of the head in England

19 The office of mayor in England is ancient and historic! The office is respected by the local people. The role of the mayor is associated with the chairmanship of the meetings of the council and with hospitality, ceremony and local functions. The mayor is not concerned with the exercise of the local authority’s powers – he is not the leader of the council! Power is exercised, in the majority of the centres, within a system of local party politics. The leader of the majority group in the council is the leader of the council, the council’s prime initiator and co-ordinator and the effective instrument in the control and direction of the affairs of the local authority.

DUTIES OF THE HEAD OF THE COUNCIL THAT SHOULD BE RECOGNIZED IN ONTARIO

20 The following is a statement of some of the duties that the head of the council of a medium to large Ontario municipality is expected to, or (in the opinion of this Study) should carry out, but which are not mentioned in The Municipal Act or the related acts:

- (a) be the leader of the council, exercise initiative in the development of the policies of the council, anticipate the needs of the municipality;
- (b) promote understanding and co-operation between the members of the council;
- (c) be responsible for the relationships between the council and the local boards and agencies, other municipalities, the Province and the Federal Government;
- (d) communicate the policies of the council to press, radio and TV and to the public; and
- (e) be a leader in the community and the representative of the council on occasions of ceremony and hospitality.

DUTY OF THE HEAD OF THE COUNCIL TO “OVERSEE” THE OFFICERS

21 There is a conflict between section 211 of The Municipal Act and section 214a of the Act. Section 211 has been in the Act, without change, for at least a century; while section 214a was enacted a few years ago.

22 Section 211 of the Act imposes on the head of the council the duty “to oversee the conduct of all subordinate officers”; while section 214a of the Act, in granting to the council the power to appoint a CAO, authorizes the council to provide that the CAO “shall be responsible for the – administration of – departments to the extent – he is given authority –”

23 Obviously, section 214a of the Act authorizes a council to assign, by by-law, duties to the CAO that are assigned, by statute, to the head of the council!

24 If section 214a of the Act is to be effective, the council should provide that the CAO “co-ordinate, lead and direct the chief officers in the administration of the municipality, in accordance with the policies and plans that are approved by the council”. However, when a council appoints a CAO and provides that he co-ordinate, lead and direct the chief officers (it is disclosed in chapter IX that a number of councils have done so) and when the head of the council, in accordance with section 211 of the Act, gives instructions to the officers; the officers receive instructions from two sources, namely, the head of the council and the CAO. From a management point-of-view, this is a very undesirable situation!

25 With the exception of the American council-strong mayor system, with its separation of powers and its local party politics, the accepted practice in modern systems of local government decision-making is to provide that the CAO “co-ordinate, lead and direct the chief officers”, subject to the policies and directions of the council.

26 If there is not to be conflict in the Ontario Council-CAO municipalities (as the term is used in chapter IX) between the duties assigned by Statute to the head of the council and the duties assigned by the council to the CAO, the intent of sections 211 and 214a of The Municipal Act, insofar as they relate to the supervision of the officers, should be clarified.

CONCLUSION CONCERNING THE DUTIES OF THE HEAD OF THE COUNCIL

27 *The statement of the duties of the head of the council in section 211 of The Municipal Act should be deleted and another section that strengthens and clarifies the role of the head of the council should be substituted. The section to be substituted should*

- (a) *state clearly that the first duty of the head of the council is to lead, to initiate and to co-ordinate the work of the councillors and the officers in the development and formulation of policy, and to be a leader in the local community,*
- (b) *state clearly that the duties of the head of the council include the duty to represent the council on occasions of ceremony and hospitality, and*
- (c) *eliminate the present conflict between sections 211 and 214a of The Municipal Act with regard to the supervision of the officers.*

The section to be substituted should be made applicable to the metropolitan, regional and district municipality acts and to the City of Thunder Bay.

Part 2

USE OF THE TERM “CHIEF EXECUTIVE OFFICER (CEO) OF THE CORPORATION”

A STATEMENT OF THE PROBLEM

28 The Municipal Act states that the reeve, mayor, warden and chairman is not only the head of the council but also “the chief executive officer (CEO) of the corporation”.

29 As indicated earlier, the duties of the head of the council, as the head of the council, are described in the Act; while the *duties of the head of the council, as the CEO, are not described in the Act.*

30 The statement that the head of the council is the CEO of the corporation has been in The Municipal Act, without change, since at least 1877.

31 The Municipal Acts of British Columbia, Saskatchewan, Manitoba, New Brunswick and Nova Scotia contain the statement that the head of the council is the CEO of the corporation. Since these Acts reflect many of the ideas that are to be found in The Municipal Act of Ontario, it is reasonable to assume that the idea of the head of the council as the CEO of the corporation originated in the Ontario Act.

32 *Under The Municipal Act of Alberta, which was thoroughly reviewed and revised, in recent years the head of the council is not the CEO of the corporation.* The duties of the head of the council were examined carefully at the time of the review and the decision was taken to delete from the Act the idea that the head of the council should be the CEO of the corporation.

33 The statutes in England do not contain the statement that the head of the council, nor any other member of the council, such as the leader of the council, is the CEO of the corporation.

34 Ian MacF. Rogers in his text, *The Law of Canadian Municipal Corporations*, states “*the term ‘chief executive officer’ does not of itself confer any powers or duties upon him, they must be sought in the express provisions of the Act*”.

35 Because of the urgent need to (a) strengthen and clarify the duties of the head of the council, (b) establish the office of the CAO of the municipal corporation as an effective office for the leadership, co-ordination and direction of the officers, subject to the policies and direction of the council, and (c) eliminate any conflict or misunderstanding with regard to the relative roles of the head of the council and the CAO, it is essential that the meaning, intent and significance of the statement that the head of the council is the CEO of the corporation be examined thoroughly in the light of modern administrative principles and practices.

GENERALLY ACCEPTED USE OF THE TERM “CEO”

35a What are the duties of the head of the council in his role as the CEO of the corporation? As indicated earlier, the statutes are silent on this question. What would be the duties of the head of the council if his duties were similar to the duties of a CEO, as the term CEO is used, generally, in Ontario? These questions lead to further questions. In what types of organizations are CEOs to be found? What are the powers and duties of CEOs? From whom do CEOs derive their powers and to whom are CEOs accountable? These further questions lead to four more questions. Does the head of the council exercise powers similar to a CEO? What is the generally accepted meaning of the term CEO? Is the term CEO used correctly in The Municipal Act and the related acts? Should the use of the term be discontinued in these acts?

36 To facilitate a discussion of the questions that are raised in paragraph 35a, an analogy will be drawn in the next few paragraphs between the manner in which the executive and administrative powers of medium to large companies and municipal corporations are exercised and the role of the CEO and the head of the council in the exercise of these powers. As a guide, reference will be made to one of the recognized texts on management, namely Top Management Organization and Control by Holden, Fish and Smith.

38 The following is a comparison of the six elements in the decision-making processes in large companies and in large municipal corporations.

(a) companies	(b) municipal corporations
(i) the shareholders	(i) the electors
(ii) the board of directors	(ii) the council
(iii) the chairman of the board of directors	(iii) the mayor
(iv) the board of director's executive committee	(iv) the council's executive committee
(v) the chief executive officer	(v) the chief administrative officer
(vi) the other senior officers	(vi) the other senior officers

39 The text places strong emphasis on the importance of a sound organization with clear statements of the powers and duties of each of the elements in the processes.

40 To facilitate the discussion of the decision-making processes, the analysis of the processes that is used in the text is used as the basis of the discussion. The analysis is based on the concept that there are three distinct and separate functions in the decision-making processes, namely, the trustee function, the management or administration function, and the departmental management or administration function. The point-of-view, the background and the experience of the persons responsible for each function differ.

41 *“THE TRUSTEESHIP FUNCTION represents, safeguards and furthers the shareholders’ interests; determines the basic policies and the general course of business; appraises the adequacy of the overall results and, in general, makes the most effective use of the company’s assets. This field is the exclusive province of the board of directors.”*

42 The board of directors establishes the broad basic policies; handles the major financial matters; selects the officers and sets their salaries; receives reports from the CEO and the managers concerning the company's operations and passes judgment on the results. The board determines and defines the functions, the responsibilities and the limits of authority that are to be reserved to the board or that are to be delegated to the CEO and the managers. By a clear delineation of the functions, each element knows exactly what part it is to play in the management of the company.

43 In a municipal corporation, the trusteeship function, as described in paragraph 41, is the exclusive responsibility of the council, subject to the laws and the regulations of the Province, its agencies and the local boards.

44 As is the case with the shareholders of a company, the electors of a local community are not in a position to manage the municipal corporation's affairs. Therefore, they elect a small group, the council, to manage the corporation's affairs on their behalf.

45 Since the powers of a municipal corporation include the power to tax, to impose restrictions on the rights of individuals, etc., it is reasonable to accept the principle that the management of its affairs should be accomplished in a manner that provides for the public participation not only of the members of the council but also of the electors themselves. On the other hand, the executive and administrative powers of a company are exercised by the board of directors, the CEO and the officers in private. Herein lies the essence of the difference between the decision-making processes in companies and in municipal corporations. Obviously, such processes in a municipal corporation are much more controversial, difficult and lengthy than is the case in a company.

46 *The most important task of the chairman of a board of directors is the leadership of the directors in the determination, in private, of the policies of the company. The most important task of the head of the council is the leadership of the councillors in the determination, in public, of the policies of the council.*

47 *"THE GENERAL MANAGEMENT OR ADMINISTRATIVE FUNCTION includes the active planning, direction, co-ordination and control of the business as a whole, within the scope of the basic policies established by, and the authority delegated by, the board. This function involves the determination of objectives, operating policies and results. This broad co-ordinative function is – handled – by the CEO. Both the board of directors and the CEO are concerned with the interests of the company as a whole. The board performs a judicial and an intermittent function which is, essentially, the appraisal and the approval of major proposals and results; while, the CEO exercises an active and continuous function, involving the initiation, formulation, co-ordination and development of the proposals and results."*

48 What is the nature of the powers and duties that are delegated to a CEO by the board of directors of a company in Ontario? The following statement of duties and powers would be typical.

- (a) The CEO is responsible for the proper management of all aspects of the company's activities so as to ensure, over a long term, realization of maximum profits compatible with the best interests of the employees, the consumers and the stockholders and to assure the security and the growth of invested capital.
- (b) The CEO is a member of the board of directors and the executive committee of the board, and in this capacity, the CEO participates with the other directors in the establishment of the basic company policies.
- (c) The CEO is authorized to utilize to the maximum degree the company's material and human resources in administering and carrying out the policies adopted by the board of directors.
- (d) The CEO is authorized to develop and maintain a competent and an adequate organization with respect to both structure and personnel. The CEO is responsible for the training and guidance of the members of the organization and for co-ordinating their activities.

- (e) The CEO is responsible for acquiring the personnel and developing the methods to ensure a thorough, objective and continuing appraisal of management's effectiveness.
- (f) The CEO is responsible for conducting himself in a manner that reflects credit on the company and for encouraging others to do likewise.
- (g) The CEO's performance is measured in terms of accomplishments as they relate to the goals and objectives of the company.

49 At this stage in the development of the company-municipal corporation analogy, a sharp difference arises! *In a company, the essence of management is the delegation by the directors to the CEO of the unrestricted power to manage the affairs of the company, subject to the general policies of the company, as determined by the directors. In Ontario, a council is not authorized to delegate power to the head of the council, to a CAO or to anyone else.*

50 *The board of directors delegates executive and administrative powers to a trained and experienced CEO. The council of a municipality is not authorized to delegate any power, including administrative powers, to a trained and experienced CAO!*

51 Boards of directors, frequently, appoint an executive committee of the board and delegate certain management functions to the committee. Although not entirely relevant, a brief comparison between such a committee and a board of control is of interest. The functions of the committee and the board are similar, however, the method of their selection and the source of their powers are quite different. Whereas, the members of an executive committee of a board of directors are selected by the members of the board, the members of the board of control (the executive committee of the council) are selected not by the members of the council but by the electors. While the powers of an executive committee are derived from the board of directors, the powers of the board of control are derived not from the council, but from The Municipal Act.

52 *THE DEPARTMENTAL MANAGEMENT OR ADMINISTRATIVE FUNCTION includes the management of the major divisions or departments of the company by executives who are fully responsible and fully accountable to the CEO for the successful management of their respective divisions or departments. The CEO is granted the authority by the board of directors to delegate to the executives of the company the executive and administrative powers that are required to carry out their duties and responsibilities. The accountability of the executives to the CEO and the accountability of the CEO to the board of directors are among the essential features of modern corporate management.*

53 The CEO of a company is granted executive and administrative powers. The head of the council is not granted such powers! The CEO is responsible to the board of directors, not to the shareholders. The head of the council is not responsible to the council – he is elected by the electors (the shareholders) and is responsible to them! The officers of a company are responsible to and accountable to the CEO. The officers of a municipal corporation are not responsible to the head of the council – they may be responsible to the council, a board of control or an executive committee of the council and, in a few cases, to a CAO.

54 The only local government officer that exercises powers that are similar to the CEO of a limited company is the mayor in the American Council-strong mayor system. However, in the council-manager system and in the council-commissioner system, the council delegates administrative powers to be exercised subject to its policies and directions, to the manager or to a board of officers.

55 In order to set the stage for a brief discussion of the correctness of the use of the term CEO in the public sector generally, the essence of the office of CEO, as the term is used in the private sector, may be stated to be

- (a) delegation of an adequate portion of the executive and administrative powers of an organization by the policy-making body to the CEO in order to permit the CEO to lead, co-ordinate and direct the officers of the organization in the attainment of the objectives of the organization, subject to the general policies of the organization, as determined by the policy-making body, and

- (b) the accountability of the CEO to the policy-making body for the attainment of the organization's objectives.

56 The office of CEO, as defined in paragraph 55 is to be found in the civil or the civic service to a much lesser extent than in the private sector! The powers that may be delegated by a government or by a minister, for instance, are restricted by:

- (a) the provisions of the statutes and the regulations thereunder,
- (b) the policies of the government, the central agencies, etc., and
- (c) the courts

57 *Because of the absence, generally, of a means to measure results in the civil or the civic service (such as the determination of profit, the degree to which performance has reached objectives, etc.), the manager in the civil or the civic service is not subject to accountability to the policy-making body to the same degree as the manager of a limited company.*

58 This is not to say that delegation and accountability do not exist in the public sector! They do. However, since the civil or the civic servant must be guided by the law, the policies of the government, etc.; and since, frequently, the rights of citizens are involved, the degree of discretion that is granted to the civil or the civic servant is much less than the degree of discretion that is delegated to the officer of a company. Since the civil or civic servant's powers are restricted, the degree of his accountability is restricted!

59 *Whereas a board of directors (the policy-making body) delegates "unrestricted powers" to the CEO, subject to the policies of the board; a council does not delegate any power to the head of the council – the council is not authorized to delegate power to the head of the council, the CAO or any other officer!*

60 *Whereas the CEO is accountable to the board of directors for the attainment of the board's objectives, the head of the council is not accountable to the council and he is not responsible to the council for the attainment of its objectives.*

61 As a matter of fact, the powers and duties of the head of the council are not similar to those of a CEO in the private sector. The role of the head of the council is to be compared with that of the chairman of the board of directors, not the modern CEO!

62 The powers and duties of the CEO in the private sector however, are not unlike, those of the CAO in the more modern Ontario council-CAO systems. The prime duty of the CEO and the CAO is to lead, co-ordinate and direct the efforts of the officers in accordance with the policies of a board of directors or of a council.

63 The term CEO is a common term in the private sector with a generally accepted meaning that is understood by anyone who is familiar with the management of companies and enterprises in the private sector. The use of the term CEO in the private sector is related, directly to the nature of the powers and duties of the CEO and the term expresses clearly the characteristics of these powers and duties.

63a The title CEO is to be found, almost exclusively, in the private sector. The term is used, rarely, in the public sector. In spite of the fact that The Municipal Act has stated for almost 100 years that the head of the council is the CEO of the corporation, the term CEO, in reference to the reeves, wardens, mayors and chairmen of Ontario, is rarely heard. The term CEO is appropriate in the private sector, but not in the public sector.

64 *The use of the term CEO in The Municipal Act and in other related Acts, in reference to the duties of the head of the council, does not conform to the generally accepted use of the term in Ontario.*

HEAD OF THE COUNCIL AS THE CEO OF THE CORPORATION

City, town, village, township and county municipalities

65 With the completion of the analogy between a CEO in the private sector and the head of

a council in the public sector and the determination of the generally accepted meaning of the term CEO, it is practicable to proceed with a more specific discussion of the correctness of the use of the term CEO in the city, town, village, township and county municipalities.

66 The reeves, mayors or wardens of these municipalities are concerned with the leadership of the councillors and the community and with the initiation, formulation and revision of the municipal corporation's goals, objectives and policies. Insofar as the execution of the council's policies and the administration of the municipal corporation are concerned, in modern systems of local government, the activities of the head of the council are restricted to being assured that "a system of co-ordinated administration at the officer level" has been established and is being administered effectively by the officers.

67 The role of the elected leaders as the CEO of the municipal corporation is obscure, to say the least! As indicated earlier, The Municipal Act and the other related acts, do not describe their duties as the CEOs of the corporations. The acts are silent!

68 However, the essential findings of this Study are that

- (a) the prime duty of a CEO in Ontario is to lead, co-ordinate and direct the officers of a company, or an enterprise, in the exercise of the powers of a company or an enterprise according to the policies and the directions of the policy-making body (usually a board of directors) in order to attain the body's objectives, while
- (b) the prime duty of the head of the council, as indicated in paragraph 20, is to lead and to co-ordinate the efforts of the councillors in the development of policy; to be a leader in the community; etc., while
- (c) the prime duty of the CAO is similar to that of the CEO in that his prime duty is to lead, co-ordinate and direct the officers of the municipal corporation in the execution of the policies of the council and in the administration of the corporation, subject to the policies and directions of the council.

69 The role of the head of the council is a public role, a leadership role, the role of the first citizen of the local community, a leader, an initiator. To the extent that the time and energy of the head of the council is diverted to matters of administration and supervision, the prime duties of his office will suffer!

70 *This Study concludes that the role of the head of the council of a city, town, village, township and county municipality is not similar to the role of a CEO, as the term CEO is used in Ontario, and that the statement in The Municipal Act that the head of the council is the CEO of the corporation is, in fact, not correct. The statement should be deleted.*

Regional and district municipalities, excluding Ottawa-Carleton

71 Each of the acts that established the regional and district municipalities contains the statement that the chairman of the council is the head of the council and the CEO of the corporation.

72 The comments of paragraphs 65 to 69 with regard to the role of the head of the council of the city, town, village, township and county municipalities, as the CEO of the corporation, apply to the head of the council of the regional and district municipalities.

73 *Therefore, the conclusion of paragraph 70 applies to the head of the council of the regional and district municipalities and, therefore, the statement in the regional and district municipality acts that the head of the council is the CEO of the corporation should be deleted from the Statutes.*

Metropolitan Toronto and Regional Ottawa-Carleton

74 The role of the heads of two councils, as the CEO of the corporation, remains to be discussed, namely, the chairmen of the councils of Metropolitan Toronto and of Ottawa-Carleton.

75 The Acts that established both of these municipalities contain the statement that the chairman of the council is the head of the council and the CEO of the corporation.

76 As indicated in paragraph 8, the century-old statement of the duties of the head of the council in section 211 of The Municipal Act has not been incorporated in the Acts that established these two municipalities. The term “CEO” has not been defined in either of the Acts.

77 *Therefore, the duties of the chairmen of the councils are not described in the statutes – either in their capacity as the head of the council or in their capacity as the CEO of the corporation!*

78 Under the terms of the Metropolitan Toronto Act, the chairman of the council

- (a) presides at the meetings of the council and is authorized to call a special meeting of the council,
- (b) is not granted a vote in the council, except in the case of a tie, and
- (c) is granted a vote in the executive committee of the council.

79 Under the terms of the by-laws of the council the chairman of the council

- (a) is ex-officio a member of the standing and other committees of the council, and
- (b) is entitled to vote as a member of the committees.

Insofar as the chairman is concerned, the standing orders of the council refer, almost exclusively, to his role as the presiding officer during the meetings of the council.

80 The chairman is a member of a number of the local boards or commissions of Metropolitan Toronto.

81 *The heads of the departments report to the executive committee, not to the chairman.*

82 The decision to call the head of the council of Metropolitan Toronto the “chairman” of the council was taken at the time of the establishment of the Metropolitan corporation in 1954. There was a wish at that time to differentiate between the head of Ontario’s newly-established, urban oriented county in the Toronto area from the head of the old, historic, rural-oriented counties – the warden! The head of the council of England’s Greater London Council had been called the chairman of the council.

83 As the previous paragraphs disclose, the powers of the Metropolitan Toronto Chairman are nominal. Since the statement of the duties of the head of the council of the Ontario cities, town, villages, townships and counties has not been written into the Metropolitan Toronto Act, the powers of the Chairman of the Metropolitan Toronto Council are weaker, from a legal point-of-view, than are the powers of the average Ontario mayor or reeve!

84 However, the Chairman, quite obviously, exercises unusual powers. What are the sources of these powers? The following sources are suggested:

- (a) the offices that are assigned to the Chairman in the Act – i.e. the head of the council, the chairman of the executive committee, the chief executive officer of the corporation (in spite of the fact that the Act does not define the duties of any of these offices),
- (b) the additional duties that are assigned to the chairman by the council and by the executive committee,
- (c) the councillor’s support of the chairman,
- (d) the leadership and the initiative that the chairman may exercise because of the advice and assistance that is available to him from the heads of the departments and the other officers,
- (e) the general public’s respect for, and acceptance of, the office of Chairman of the Metropolitan Toronto Council, and
- (f) the most essential source, the chairman’s integrity, ability and capacity to cope with an extremely difficult and ill-defined job!

85 These paragraphs give rise to three obvious questions. “Why does Metropolitan Toronto’s charter not define the duties of the chairman of the council?” “Why does Metropolitan Toronto’s charter not incorporate the duties of the head of the council according to section 211 of The Municipal Act, or an amended and realistic version of these duties?” “What are the duties of the chairman of the council as the CEO of the corporation?”

86 Answers to these questions are difficult to locate. However, some answers may be secured from an examination of the two public enquiries that have been made into Metropolitan Toronto’s affairs since its establishment. A Commission of Inquiry was appointed in the late ’50s under the chairmanship of the late Dr. L. R. Cumming and a Royal Commission was appointed in the mid ’60s with Senator H. Carl Goldenberg as the sole Commissioner. In the next few paragraphs the Commission of Inquiry will be referred to as “Inquiry” and the Royal Commission will be referred to as the “Commission”.

87 The Commission’s comments with regard to the office of the chairman were restricted, essentially, to the method of his selection. The Commission comments *“It has been urged that the responsibilities of the post call for the election of the chairman by the citizens of Metro at large; alternatively, it has been suggested that, if he is elected by the Council, he should be chosen only from among its members”*. In the context of this study, a number of the Commission’s comments with regard to the nature of the chairmanship are of interest. *“He is the only member of the council who is required to devote his full time to Metro. He must be impartial. He must also be sufficiently independent in relation to local politics to be able to face pressures and to fight on issues where the area-wide interest may conflict with a local interest. There is no doubt that the independence of the chairman has contributed, in a large measure, to the successful operation of metropolitan government in Toronto”*.

88 The Inquiry expresses the opinion concerning the method of the selection of the chairman that *“unless and until the existing legislation is amended to provide for the direct election by an overall metropolitan vote of a substantial number of the members of the Metropolitan Council, there is no advantage to be gained by requiring candidates, for this vitally important position, to undergo the expense and uncertainty of a political campaign extending over the 240 square miles of Metropolitan Area”*.

89 Concerning the duties of the chairman, as the CEO of the corporation, the Inquiry expresses the opinion that *“the advocates of a direct election of the Metropolitan Chairman have to a large extent misconceived the true nature of the office and the importance of maintaining the conditions which are most likely to secure the appointment of the best available person. Although in the legislation he is called the ‘Chairman of the Council’ for want of a better description, it is clearly desirable that he should be far more than an impartial presiding officer with a casting vote in the event of an equal division on the council. On the contrary, it is in the interests of the entire Metropolitan Area that he should be the Chief Executive Officer responsible for continuous and detailed supervision and correlation of the work and activities of all the administrative departments in accordance with the policies adopted by the elected body. His duties and responsibilities should correspond closely with those of the general manager of a large commercial corporation. At the same time, he should be able to command the respect and co-operation of the permanent department heads and their staffs on the one hand and of the elected members of the council on the other”*.

90 The following comments are made concerning the opinions of the Inquiry with regard to the office of Chairman of the Council.

- (a) The Inquiry does not comment on the fact that the duties of the Chairman of the Council, as the head of the council, are not defined in the Charter. The Inquiry does express the opinion, however, that *“the chairman should be the chief executive officer responsible for continuous and detailed supervision and correlation of the work and activities of all administrative departments in accordance with the policies adopted by the elected body”*.
- (b) Reference is not made by the Inquiry to the chairman’s prime duty to lead, to initiate and to co-ordinate the work of the councillors in the development and formulation of policy, nor to other important duties of the chairman, such as the

duty to be a leader in the community and to represent the council on occasions of ceremony and hospitality.

- (c) The Inquiry does state, however, that the duties of the Chairman of the Council, in his capacity as *“the chief executive officer of the corporation”* includes the *“detailed supervision – of all administrative departments”* and *“corresponds – closely with those of a general manager of a – corporation”!*

91 Before discussing the opinions of the Inquiry with regard to the office of Chairman of the Council of Metropolitan Toronto and, in order to place into perspective *“this vitally important”* office, a comparison is drawn between the essential character of the office of Chairman and the office of the leader of the council in Montreal, Vancouver, Edmonton and Calgary, Windsor, the major cities of the United States and one of the larger local authorities in England.

- (a) In the City of Montreal, the mayor is free to allocate his time and energy primarily to the leadership of the council and of the community and to the municipal corporation’s most pressing problems *because of the existence of a system of local party politics and because the chairman of the executive committee of the council relieves the mayor of administrative responsibilities.*
- (b) In the large council-commissioner cities of Western Canada, such as the Cities of Vancouver, Edmonton and Calgary, the mayor is free to allocate his time and energy primarily to the leadership of the council and of the community and to the municipal corporation’s most pressing problems *because a board of administration (comprised of trained and experienced municipal officers) is responsible to the council for the administration of the municipal corporation, in accordance with policies and direction of the council and therefore the mayor is relieved of administrative responsibilities.*
- (c) In cities that have adopted the council-CAO system, such as Ontario’s City of Windsor, the mayor is free to allocate his time and energy primarily to the leadership of the council and the community and to the municipal corporation’s most pressing problems *because a CAO is appointed and is responsible to the council for the co-ordination and direction of “an integrated system of administration at the officer level”, subject to the policies and direction of the council and, therefore, the mayor is relieved of administrative responsibilities.*
- (d) In the major cities of the United States, the mayor is free to allocate his time and energy primarily to the leadership of the council and the community and to the municipal corporation’s most pressing problems *because of (i) his role as the successful nominee of a local political party for the office of mayor, (ii) the discipline of the local political parties, (iii) the executive and administrative powers of the corporation that are granted to him by charter, and (iv) the power that is granted to him to appoint a CAO who reports directly to him and who leads, co-ordinates and directs the work of the officers in the administration of the corporation. The system effectively relieves the mayor of administrative duties.*
- (e) If Metropolitan Toronto were one of the larger local authorities in England, the roles that are being performed by the Chairman of the Council would be performed by three persons, namely, the mayor, the head of the council and the CAO of the local authority. In England, the role of the mayor is essentially to preside at the meetings of the council and to assume the time-consuming duty of representing the council on occasions of hospitality and ceremony; the role of the head of the council is that of the leader of the council in the exercise of the powers of the local authority; while the role of the CAO is to be responsible to the council for the co-ordination of *“a system of integrated administration at the officer level”*, subject to the policies and the direction of the council.

92 A significant comment concerning *“the non-institutionalized nature”* of the role of the office of the Chairman of the Council is to be found in Harold Kaplan’s analysis of the decision-making processes of Metropolitan Toronto entitled *A Functional Analysis of Metro Toronto*. Kaplan expresses the opinion that *“Over the longer run the informal and largely non-institutionalized nature of the chairman’s role may be a basic weakness of the Metro system, particularly, in view of how important the chairman has been in making the system*

operate successfully. Of course, the effectiveness of any political role depends partly on the personality and skills of individual occupants. But in the case of weakly-institutionalized roles, where very little is required of occupants, the reliance on personality and skills is far greater. Individual chairmen have wide latitude to define the role as they see fit. Future chairmen, like Allen, might prefer the administrative (or “command”) side of the role, to the legislative (or “negotiation and persuasion”) side. If this preference persisted, the role of chairman would lose its central importance in the Metro system”.

93 To conclude this discussion of the office of the Chairman of the Council of Metropolitan Toronto, the following statements are made.

- (a) The Legislature and the Government are silent with regard to the nature of the duties of the Chairman of the Council – there is silence, also, with regard to the heads of the councils of the regional and district municipalities.
- (b) Because of the silence with regard to the duties of the chairman of the council and because Metropolitan Toronto’s charter does not provide for the appointment of a CAO of the corporation, *the Chairman is expected to do work which, in other major centres, is the work of at least two persons, namely, the head of the council and the CAO of the corporation! Such an incredibly onerous workload is not in the best interests of the chairman, the corporation or the citizens! The chairman’s work as the head of the council or his work as the CAO of the corporation must suffer.* Most authorities in local government express the opinion that, in these circumstances, the work of the chairman as the leader of the council will suffer.
- (c) As paragraph 91 discloses, systems of local government decision-making have been developed in Canada, the United States and England which are designed to permit the leader of the council to (i) allocate his time and energy to his prime duty – the leadership of the council in the determination of policy, the approval of proposals and the appraisal of results; (ii) be a leader of the local community and (iii) be relieved of the heavy and unrelenting burden of supervising the COs in the administration of the corporation.

94 This Study finds that

- (a) the duties of the head of the council, as described in paragraph 27, with modifications, if necessary, should be made applicable to the office of the head of the council of Metropolitan Toronto and Ottawa-Carleton,
- (b) the comments in paragraphs 65 to 69 and the conclusion in paragraph 70 apply to the heads of the councils of Metropolitan Toronto and Ottawa-Carleton and, therefore, the statement that the heads of the councils of these municipalities are the CEOs of the corporations should be deleted from the statutes, and
- (c) the conclusion of paragraph 113 with regard to the appointment of a CAO and the establishment of a system of integrated administration at the officer level applies to Metropolitan Toronto and Ottawa-Carleton and, therefore, the applicable statutes should be amended to require that the councils shall appoint a CAO of the corporation.

CONCLUSION CONCERNING THE HEAD OF THE COUNCIL AS THE CEO

95 *The reference to the head of the council as the CEO of the corporation should be deleted from the Ontario statutes. According to the generally accepted use of the term CEO in Ontario, a policy-making body delegates to the CEO “unrestricted powers” to control and to direct the officers in the management of a company or an enterprise, subject to the policies of the policy-making body. In an Ontario municipality, the policy making body – the council – is not authorized to delegate power to the head of the council nor is the head of the council authorized to control and to direct the officers in the management of the corporation. Therefore, the statement that the head of the council is the CEO of the corporation, as the term CEO is used in Ontario, is not, in fact, correct.*

96 *If a comparison is to be made between the role of the head of the council and the role of officers of companies or enterprises, in the private sector, the comparison should be made*

between the head of the council and the chairman of the board of directors of a company; rather than between the head of the council and the CEO of a company. The prime role of both the head of the council and the chairman of a board of directors is to exercise leadership in the determination of policy, in the approval of proposals and in the appraisal of results. The prime role of the CEO is the leadership, co-ordination and direction of the officers of a company in the management of a company, in accordance with the policies of the board of directors. The head of the council is not authorized to lead, co-ordinate and direct the officers.

Part 3

ELECTION OR SELECTION OF THE HEAD OF THE COUNCIL

97 The head of the council is responsible, primarily, for the leadership and the co-ordination of the “representative” component of the decision making processes of a local government.

98 The reeve, warden, mayor or chairman must work, closely, with the other members of the council in the development of the council’s goals, objectives and policies and with the CAO of the corporation (if a CAO is not appointed, then, with the individual chief officers) in the implementation of the council’s policies and in ensuring that the municipal corporation is being administered according to the policies and direction of the council.

99 The relationships between the head of the council and the other members of the council are crucial to the effectiveness of local government!

100 How should the head of the council be chosen in order to strengthen these relationships and to ensure that they are based on mutual respect and understanding? Democratic countries use one of two methods to accomplish this objective (a) election of the head of the council by the electors and (b) selection of the head of the council by the councillors from among themselves.

101 In Ontario, as in most of Canada, the head of the city, town, village and township councils is elected, directly and separately, by the electors. This system of election is American in origin and is a reflection of the principle of “separation of powers”. The system stresses the need for leadership in the council and in the community! However, the system leads to rivalry and then to conflict between the head of the council and the other members of the council.

102 In the majority of the small centres in the United States the mayor is directly and separately elected by the electors – usually, under the council-weak mayor system. Similarly, in the largest of the centres in the United States, the mayor is directly and separately elected. However, in the case of these centres the principle of separation of powers has been applied, the council-strong mayor system has been established, local party politics is effective, the mayor is elected as the nominee of one of the parties and political conflict is the order of the day! However, in many of the medium and larger centres, the mayor is selected by the councillors from among themselves – this method of selection is one of the “preferred principles” of the National Municipal League’s famous Model City Charter – the cornerstone of the council-manager system!

103 *According to Hume, the head of the council, in the vast majority of the European countries including, of course, England, is selected by the councillors from among themselves.*

104 The wardens of the Ontario counties and the chairmen of the Ontario metropolitan, regional and district municipalities are selected by the councillors from among themselves.

105 The concept of the selection of the head of the council by the members of the council from among themselves is parliamentary in nature. The concept stresses ideas such as the following: the head of the council should be responsible to and be responsive to the members of the council, mutual respect and understanding will accomplish more than rivalry and conflict, the structure of the council should be such as to facilitate the establishment of a system of local party politics.

106 The concept also reflects the extremely important fact that a candidate for a local office

in a major urban centre, cannot personally, finance the cost of a community-wide election and is required to seek substantial contributions from local special interests or a local political group.

CONCLUSION CONCERNING THE ELECTION OR SELECTION OF THE HEAD OF THE COUNCIL

107 *The Ontario mayors and reeves should be selected, at the option of the local electors, either*

- (a) *by the council from among its members, in which case the head of the council should not be granted any special powers, or*
- (b) *by the electors, in which case the head of the council should be granted special powers to permit him to exercise a measure of effective leadership in the council and in the community.*

Part 4

CHIEF ADMINISTRATIVE OFFICER (CAO)

108 The appointment of a chief administrative officer (CAO) by an Ontario council was authorized by a private act of the Legislature 50 years ago and by a public act less than 2 years ago!

109 The following is a brief summary of the history of the legislation with regard to the office of CAO of a municipal corporation in Ontario.

- (a) 7 cities have been authorized to appoint a CAO by private act; the first act was enacted in 1921,
- (b) the cities, towns, villages, townships and counties were not authorized to appoint a CAO until 1970,
- (c) most of the regional and district municipality acts, and the act that established the City of Thunder Bay, authorize the appointment of a CAO, while
- (d) Metropolitan Toronto and Regional Ottawa-Carleton are not authorized to appoint a CAO.

According to the 1970 Municipal Directory, the councils of 50 municipalities have appointed a CAO. However, on the basis of an analysis of the by-laws of the majority of these councils, it is apparent that the great majority of these councils retain many of the administrative duties of the corporations that, under the council-CAO system, are assigned to the CAO and, further, it is apparent that "systems of integrated administration at the officer level", controlled and directed by the CAO, and subject to the policies and directions of the council, have not been established in these municipalities.

110 The cities, towns, villages, townships and counties are authorized to appoint a CAO in section 214a of The Municipal Act. The section states that a council may appoint a CAO who shall

- (a) have such control of the affairs of the municipal corporation and perform such duties as the council prescribes, and
- (b) be responsible for all of the departments, to the extent provided for by the council.

111 The terminology of the sections of the acts, both private and public, concerning the CAO are essentially the same. As a matter of fact, the words of section 214a of The Municipal Act are almost identical to the words of a private act of 1921!

112 The statement of the duties that a council may assign to the CAO in section 214a of The Municipal Act, does not conform to the duties of the CAO under the system which is described and discussed, at length, in chapter IX. For the purposes of this Study that system has been called the Ontario-council-CAO system. In the opinion of this Study, the best interests of the great majority of the Ontario municipalities would be served, if the Ontario-council-CAO system, as described and discussed in chapter IX, were substituted for the systems of decision-making that are presently in effect.

CONCLUSION CONCERNING THE CAO

113 *The council of every municipality in Ontario should be required to appoint a CAO for the following reasons*

- (a) *it is essential that the head of the council be free to exercise leadership in the determination of the policies of the council, to approve and appraise proposals, to appraise results, to carry out his other public duties and not be burdened with administrative matters,*
- (b) *it is in the best interests of the council and the municipal corporation that the council appoints a CAO to lead, co-ordinate and direct the officers in the administration of the corporation, subject to the policies and directions of the council, and*
- (c) *it is essential that the role of the head of the council and the role of the CAO be stated clearly in the statutes and that there not be conflict or misunderstanding, insofar as their respective roles are concerned.*

RECOMMENDATIONS

114 *The statement of the duties of the head of the council in section 211 of The Municipal Act be repealed and be replaced by a thoroughly researched statement that is modern, realistic and definitive; that strengthens and clarifies the role of the head of the council; that sets forth his duties, particularly the duty to lead, to co-ordinate and to initiate clearly and that eliminates the present conflict between sections 211 and 214a of The Municipal Act under which both the head of the council and the CAO may be authorized to supervise the officers. A similar, but not necessarily identical, statement should be inserted in the metropolitan, regional and district municipality acts.*

115 *The reference to the head of the council, as the chief executive officer of the municipal corporation, be deleted from section 210 of The Municipal Act and the metropolitan, regional and district municipality acts.*

116 *The Municipal Act be amended to provide that Ontario's mayors and reeves be selected, at the option of the local electors, either*

- (a) *by the council from among its members, in which case the head of the council not be granted special powers, or*
- (b) *by the electors; in which case the head of the council be granted special powers to permit him to exercise a measure of effective leadership in the council and in the community.*

117 *The council of every city, town, village and township municipality and of every metropolitan, regional, district and county municipality be required by statute to appoint a chief administrative officer. (In the smaller municipalities, the person appointed the CAO could be appointed to some or all of the other offices of the municipal corporation.)*

CHAPTER IV

Delegation of the Powers
of the Council

INTRODUCTION

- 1 A delegate is a person who acts for another and delegation is the act of empowering a person to act for another.
- 2 One of the prime needs of management and of the decision-making process is a carefully constructed system for the delegation of power within an organization from the policy-making group to the executive group; and from the executive group to the managers and administrators. A thoughtful and skillful system of delegation is essential if an enterprise or an organization is to be managed effectively and economically.
- 3 The Chapter commences with a statement of the basic principle of delegation of power by the policy making group to managers in the private sector. The theory and practice of delegation by the Government of Canada and the Government of Ontario to “public service managers” is discussed. A rather detailed statement of the theory and practice of delegation in the local governments in England is presented; followed by a brief comment on delegation in American local governments.
- 4 The sections of the statutes of the other Canadian provinces that authorize the council of a municipality to delegate executive and administrative powers to an officer or officers are quoted in detail or summarized briefly. (Ontario’s statutes are silent with regard to delegation.)
- 5 The systems of delegation are then classified into four types and a statement of the suitability of each type to the municipalities in Ontario is presented.
- 6 Conclusions are drawn. A recommendation is made.

DELEGATION IN THE PRIVATE SECTOR

- 7 Delegation of powers in the private sector from a policy-making body – in most cases, the board of directors of a limited company – is described in chapter III.
- 8 Under a typical system of delegation, a part-time board of directors,
- (a) establishes the company’s general goals, objectives and policies,
 - (b) delegates to a full-time chief executive officer (CEO), subject to the company’s policies, as determined by the board,
 - (i) the powers to manage the company’s affairs in such a manner as to achieve the company’s goals and objectives, and
 - (ii) the authority to delegate power to the other senior officers of the company,
 - (c) appraises the results of clause (b) and
 - (d) takes whatever action, in the board’s judgment as the result of the appraisal, is warranted.
- 9 The CEO is held strictly accountable by the board of directors for the exercise of the powers that are delegated to him. A high degree of accountability of the CEO to the board of directors is one of the prime and essential characteristics of management in the private sector.

DELEGATION IN THE GOVERNMENT OF CANADA

- 10 Delegation of power in the public sector, particularly in the Government of Canada is discussed by Mr. J. S. Hodgson in his book entitled Public Administration. The following comments are taken from the book.

delegation

(a) *“Authority is, in theory, passed from the top to the successively lower echelons. This process is known as delegation.*

(b) *On this subject we have the maxim of Elton Mayo: “The locus of decision should be at the lowest appropriate level.” In other words, the decision should be made at a level that is as close as feasible to the point where the action is to be taken. This helps to relieve the chief executive of an organization; to accelerate action; to make the best use of the other officers; and to develop their capacities. It was the principle used by Moses who chose able men to help him to govern: “And they judged the people at all seasons: the hard cases they brought unto Moses, but every small matter they judged themselves.” (Exodus XVIII)*

(c) *No large organization can work effectively if all problems have to be referred to the chief executive for decision; a one-man band will never sound like a symphony.*

(d) *Delegation must be worked out on a planned and systematic basis and cannot be left to chance. Each official needs to know where his authority and responsibility begin and end, or else confusion will inevitably result.*

(e) *Some decisions may have been reserved by law to the legislature, or to the minister, or to the most senior officials. Other matters which are inherently political, or which have significant political implications, should also be referred to the minister. The senior official will doubtless not wish to delegate final authority to his staff to determine the structure of the organization, the contents of the program, or the size and shape of the budget to be recommended to the government. He will, however, wish to authorize his divisional heads to dispose of matters that are within approved policies and that do not involve expenditures of more than a specified amount, or to hire subordinate staff at approved rates and following established procedures.*

(f) *The more he can safely delegate, the larger the work capacity of his organization will become, the freer he will be to concentrate upon his principal role as manager, and in general the better the morale of his subordinates is likely to become.”*

DELEGATION IN THE GOVERNMENT OF ONTARIO

11 The demands on the time of Ontario’s Ministers of the Crown has increased sharply! Therefore, it has become essential for Ontario to examine the principles of delegation and the associated administrative practices and to devise methods to relieve Ministers of many of their executive and administrative duties. Such a step is essential if the Ministers are to be free to address themselves to matters of prime importance, namely, the establishment of goals, objectives, priorities, policies, the management of public conflict, etc.

12 An examination of Ontario’s system of delegation of power by the Government to the committees of the Cabinet, to the Ministers and to the “public service managers” was one of the prime tasks of Ontario’s Committee on Government Productivity (COGP).

13 COGP’s Interim Report Number Two contains the following illustration of “the responsibilities of Cabinet and the departments in terms of the main elements of policy-making and policy-implementation –”

Responsibility	Policy-making	Policy-implementation
(a) Cabinet, Exclusively	Approve policy Set priorities Ensure policy consistency	Coordinate Overall organization design Policy on common services
(b) Cabinet and Departments	Identify needs Develop alternatives Evaluate policy Re-evaluate policies	Evaluate programs Evaluate program management Re-evaluate programs
(c) Departments, Exclusively	None	Operate programs within policy guidelines

The analysis indicates, under the column entitled “policy-implementation” item (c), that the Ontario Government delegates to the “public service managers” the power to “operate pro-

grams within policy guidelines". The terminology of the item summarizes the essence of the delegation of the Government's powers to the senior civil servants.

14 COGP expresses the opinion that, when issues are complex and numerous, the Government must develop the capability to ensure that such issues are given proper attention by "*the right people at the right time*" and that "*one way of achieving this goal is to give greater scope to public service managers in deciding how to allocate their resources to achieve their program objectives*".

15 In connection with the effective use of the services of "public service managers" COGP states that "*Cabinet policies must be made as explicit as possible so that the public service managers understand the intent and can manage accordingly*" and policy makers "*must develop the capability of continually evaluating the programs and the competence of program managers in terms of their use of resources to achieve stated objectives*".

16 The persons who are elected to exercise the powers of municipal corporations, particularly the larger corporations, are faced with many of the same problems as the persons who are elected to exercise the powers of Canada or of Ontario. *It is just as essential for the council of a major Ontario municipality to examine its decision-making processes as it is for the Government of Canada to do so! It is just as essential for a major Ontario municipality to examine its principles of delegation as it is for the Government of Ontario to do so!*

17 This Study proceeds to outline some of the systems of delegation that are to be found in local governments in England, in the United States, in Canada and, then, classifies the systems and comments upon the suitability of the systems to Ontario's municipalities.

DELEGATION IN LOCAL GOVERNMENTS IN ENGLAND

18 The Local Government Act of England states in section 85 that "*a local authority may appoint a committee for any such general or specific purpose – and may delegate to a committee – with or without restrictions or conditions, as they think fit, any functions exercisable by the local authority – except the power of levying, or issuing a precept for, a rate; or of borrowing money*".

19 The councils of the larger local governments in England, under the authority of the preceding section of the Act, for a number of reasons have elected to delegate most of the executive and administrative powers of the local governments to a series of administrative committees of the council.

20 This decision has given rise to the development of England's so-called "committee system". Under the system the councils establish a series of committees. Usually, they delegate to a committee all of the local government's powers that fall within the area of responsibility that is assigned to the committee, with the exception of statutory restrictions, namely, the power to tax and the power to borrow; and matters of major new or revised policy.

21 The "committee system" has, for generations, been an integral part of local government decision-making in England. Under the system, the councillors exercise the administrative powers of the local government and supervise the officers in the day-to-day work of the departments.

22 The "committee system" is described and discussed at length in Chapter VIII.

23 The councils of the larger English local governments authorize the larger committees to establish sub-committees and to delegate powers to these sub-committees.

24 In addition, because of the need to secure decisions without delay; because of the availability of a system of local party politics; and because of the discipline of local parties; committees have delegated the power to take decisions to chairmen of committees – the decisions of a chairman must be confirmed by the committee.

25 Delegation of the powers of the council to officers, except in the case of certain administrative matters that are provided for specifically in the statutes, is not authorized in

the statutes of England. However, “because of the sheer pressure of business”, most of the councils authorize the delegation of powers to officers and have been forced in recent years to increase such delegation greatly!

26 In connection with the delegation of powers to officers, England’s Committee on the Management of Local Government expresses the opinion that “the sheer pressure of business necessitates the — delegation — of administrative discretion to officers” and recommends that the councils be authorized by statute to delegate such discretion to officers.

27 Subsequent to the release of the Committee’s Report and, in spite of the absence of statutory authority, much experimentation has taken place in order to devise new, and more effective, methods of delegation of officers.

28 English documents advance many reasons for the establishment of thoughtful and thoroughly prepared systems of delegation, including the following:

- (a) delegation of administrative powers by members to officers
 - (i) permits the councillors to allocate their time and energy to “high-level decision-making”, and
 - (ii) eliminates “unreasonable demands” on the time of the councillors,
- (b) the principles of delegation which are accepted by enterprises and organizations throughout the private and public sectors, apply with equal force to local governments, i.e. decisions should be made at the lowest practicable level; delegation is an integral part of an efficient organization; etc.

29 The English documents point out that, because of the tradition of the officers to inform the members promptly with regard to controversial matters or matters that are not within the policies of the council or of one of its committees, the member’s knowledge concerning matters that are delegated is not reduced significantly.

Delegation in England to committees of the council

30 Under the terms of section 85 of The Local Government Act the councils may appoint two types of committee, namely

- (a) **Committees without executive power, but with the power to recommend to the council** (This type of committee is the only type that an Ontario council is authorized to appoint. Boards of control and statutory executive committees are authorized to recommend, only, to the council.), and
- (b) **Committees with executive power, within a specified function** (As indicated in paragraph 20, there are a few statutory restrictions on the powers that may be delegated and, in addition, usually, the councils impose a few restrictions).

31 The standing orders of the council, frequently, provide that, at the request of a stated number of members of a committee, a matter that is before a committee must be referred by the committee to the council for a decision. Such referrals are not common.

32 *The details of the decisions of the committees of the council are reported, rarely, to the council. If the decisions were reported to the council, a vast volume of minutes and reports would be required! (Such a volume is required under the committee systems that are used in Ontario!)* Provision is made in standing orders, on occasion, for a committee to present to the council a periodic report, of a general or special nature, on an aspect of the committee’s delegated powers.

Delegation in England to sub-committees of committees

33 Under the terms of the statute, a council may authorize a committee to delegate the committee’s powers to a sub-committee. This practice is common, particularly, in the case of the larger committees of the larger authorities, e.g. health and welfare, education, finance. Such sub-committees frequently exercise significant powers.

34 As with a committee, two types of sub-committee may be established as follows:

- (a) **sub-committees, without executive power**, but with the power only to recommend and
- (b) **sub-committees with executive power** to act in a specified matter or matters

Delegation in England to the chairman of a committee

35 A great many councils authorize committees and sub-committees to delegate certain powers to their chairmen – usually matters of routine or matters of urgency.

36 *Delegation of powers to chairmen is not authorized by statute. However, because of the logic of such delegation, the great amount of time that delegation saves and, because of a remarkable degree of discipline in the local party system, the members and officers have devised ways in which decisions may be made, on behalf of a committee or a sub-committee, by a designated member, usually the chairman of the committee or sub-committee.*

37 The following is an indication of the nature of the matters that may be delegated to a committee chairman – a matter which

- (a) will not admit of delay,
- (b) is within the committee's terms of reference and for which funds have been appropriated by the council, and
- (c) does not involve controversy or which, in the opinion of the chairman, does not warrant submission to the committee.

All such decisions are reported by the chairman to the committee at its next meeting.

38 In practice, a "Chairman's Report Book" is maintained, usually. Each of the decisions made by a chairman under the terms of his delegated authority is entered in such a book. The book is available to the members of the committee at its next meeting. Most of the members do not examine the book.

39 It is emphasized that delegation of power to the chairman of a committee is authorized by the council – the committees themselves do not assume such a power! The authorization is usually to be found in the council's standing orders.

40 The essential requirement of delegation to a chairman is that the members of the committee and the council must be prepared to support the decisions of the chairman.

41 Some councils, particularly those controlled by local Conservative groups where party discipline may not be strong, may not wish to elect to delegate power to the chairmen. Such councils prefer to establish a committee composed of the majority and the minority party leader and the mayor and to delegate to such a committee, a wide range of specific powers. The matters delegated are directly related to speeding up the decisions of the council and the work of the officers.

42 Few problems have arisen in England as the result of the delegation of delegated powers of committees to chairmen.

Delegation in England in emergencies

43 Significant powers, of an emergency nature, are delegated, frequently, to a sub-committee of a management committee or of a policy committee. The membership of such a committee usually includes the leader of the majority party, the leader of the minority party and the mayor. Because of the discipline of the party system, the actions of such a committee are invariably confirmed by the other members of the council.

Delegation in England to officers

44 *Most councils delegate the power to carry out a wide range of the duties to the officers*

delegation

and most councils authorize committees to delegate certain of their powers to the officers. As with delegation to chairmen, the statute does not authorize delegation to officers.

45 *However, in recent years the local authorities have been forced to devise ways and means to delegate to the officers the power to take the decisions that are necessary to supervise the employees and to administer the day-to-day affairs of the departments within the policies of the councils and the committees.*

46 *The following is an indication of the type of powers that are being granted by the councils and the committees to the officers.*

- (a) *the power to appoint, promote, transfer, discharge and retire employees below the rank of deputy chief officer, subject to the policies of the council and the committees,*
- (b) *the power to supervise the officers and employees of the departments,*
- (c) *the power to administer the affairs of the departments, within the policies of the council and the committees,*
- (d) *the power to exercise a vast range of administrative powers that are granted to the local authorities – these powers are exercised by officers such as the chief education officer, the chief health and welfare officer, the treasurer – the exercise of these powers is of a highly-technical nature – and*
- (e) *the power to negotiate contracts, to let certain contracts, to pay accounts, including travel expenses, to approve attendance of employees at conferences and a wide range of other administrative matters.*

47 *In connection with delegation, a document of the Greater London Council states, “It is not always possible to draw a hard and fast line between what is the exercise of a statutory function (a deliberative decision) and what is an administrative or executive act (a managerial act). It is necessary to examine each proposal. Clearly, a delegation of a specific item is much to be preferred to a delegation in general terms which may, all too easily, stray into forbidden territory”.*

48 *Much of the delegation to officers in England is made on the basis of the principle of “management by exception” – the essential element of which is that the responsible officer takes his decision within the policies of the members. If the matter that is before the responsible officer for decision is not within the council’s or a committee’s policies, the matter must be referred to the council or the responsible committee for policy determination. However, if the matter is within policy (and most matters usually are), the responsible officer is required to take a decision and to dispose of the matter. (In the Maud Committee’s opinion, chief officers are paid to make such decisions on behalf of the members.)*

49 *Procedures are frequently established under which an officer is required to report certain decisions to the members of the committee concerned. (Matters of significance or perhaps matters of a politically sensitive nature only are reported.)*

50 *The Maud Committee expressed strong opinions and made recommendations with regard to delegation of powers to officers. The Committee stated that*

- (a) *“in some of the larger authorities, the sheer pressure of business necessitates the delegation of administrative discretion to officers” and*
- (b) *“no radical reform on internal organization is possible under the present law” and*
- (c) *“our aim is to reduce the burden of work on members and to entrust a much wider degree of responsibility to principal officers”.*

THE COMMITTEE RECOMMENDED THAT THE LAW PROVIDE THAT “ANYTHING REQUIRED AND AUTHORIZED UNDER AN ACT TO BE DONE BY A LOCAL AUTHORITY BE DONE BY AN OFFICER OF THE AUTHORITY, AUTHORIZED IN THAT BEHALF BY THE AUTHORITY EITHER GENERALLY OR SPECIFICALLY”.

51 *There is a general acceptance of the Maud Committee’s point-of-view in England. Since the release of the Report, in spite of a lack of statutory authority, delegation to officers has greatly increased.*

52 The English local governments' associations have presented resolutions to the National Government requesting that delegation by councils and committees to officers be authorized in the Statutes. For instance, a letter from the Secretary of the Association of Municipal Corporations contains the following comment with regard to the position of the Association on delegation to officers "*We, as an Association, continue to ask the Government to introduce a general power on the lines of the 'Maud' recommendation which, we feel, is highly desirable to avoid the doubt which now exists about the extent of an authority's power to delegate to members and officers*".

53 *The members and officers of the local authorities in England have increased the effectiveness of the decision-making processes very greatly by the skillful and the imaginative use of section 85 of The Local Government Act and by their decisions (in spite of an absence of statutory authority) to delegate powers to chairmen of committees to chief officers and to officers.*

Statutory delegation in England to a named officer

54 In recognition of the urgent need to authorize delegation of powers by councils to officers, England's Town and Country Planning Act was amended in 1968 to authorize a council to delegate to an officer the power of decision with regard to planning applications – with a few exceptions.

55 The statute provides that the delegation be to a named officer, be effected by a resolution of the council and be granted with, or without, a restriction. The officer must consent to the delegation; and be able to require the committee to make a decision if he wishes to refer the decision to the committee.

56 The amendment is designed to provide quicker decisions, reduce administrative costs and free the planning committee of the councils for more important policy matters.

DELEGATION IN LOCAL GOVERNMENTS IN THE UNITED STATES

57 Delegation of the executive and administrative power of the local governments is an essential feature of the American council-manager system. Under this system the manager, subject to the control and direction of the council, is granted a wide range of powers, such as the power to appoint, direct and remove the heads of the departments; to prepare and submit to the council a wide range of plans and programs, such as the annual budget, etc.

58 Under the council-strong mayor system, with its separation of powers, the mayor delegates his powers extensively to a chief administrative officer and to the other chief officers, each of whom he usually appoints.

59 The effectiveness of these two systems of decision-making depends, substantially, on the development of thoroughly and skillfully-prepared systems of delegation.

DELEGATION IN LOCAL GOVERNMENTS IN CANADA

60 The statutes of the Canadian provinces were reviewed to determine which of the provinces authorize their municipal councils to delegate power. British Columbia, Alberta, Saskatchewan, Quebec, in certain of the municipalities, New Brunswick and Nova Scotia do so. Ontario and Manitoba do not do so! The statutes of Prince Edward Island and Newfoundland were not examined.

61 The following is a summary of the laws of the provinces that authorize municipal councils to delegate power.

British Columbia

Delegation to a committee of the council

Municipal Act, section 17

This section provides, essentially, that "*the powers of a municipality shall be exercised by the council*".

Municipal Act, section 181(2)

This section provides, however, that “Notwithstanding section 17, the council may, by by-law adopted by an affirmative vote of at least two-thirds of all the members thereof, delegate authority to a standing committee established under section 179, with such restrictions or conditions as are specified in the by-law, to exercise any of the executive or administrative powers of the council”.

Delegation to a municipal manager, i.e. the City of Victoria

Municipal Act, section 185(1)(2)(3)(4)

“The council of a city, town, or district municipality may, by by-law adopted by an affirmative vote of at least two-thirds of all the members thereof, establish the position of a municipal manager, make provision for the appointment of the municipal manager and, subject to subsection (4) therein, delegate to him any of the powers conferred on the council by this Act.

A by-law under this section shall, before adoption, be submitted to and receive the assent of the electors at an annual election.

If the electors assent to the by-law, the council shall appoint a person as the municipal manager.

Notwithstanding anything contained in this Act, a municipal manager shall not have power to pass by-laws or resolutions, or appoint or dismiss the clerk, the treasurer, the assessor, the returning officer, or the auditor.”

Delegation to a committee of members of the council and/or employees

the City of Vancouver’s Charter, section 161

“By a vote of not less than two-thirds of its members, the council may delegate, with or without restrictions or conditions, to any committee comprised of members of the council, or employees of the city, or members of the council and employees of the city, any of the executive or administrative powers exercisable by the council.”

Delegation to a board of administration

the City of Vancouver’s Charter, section 162A

“The council may by by-law provide for the appointment of a board of administration and may delegate to such board any of the executive or administrative powers exercisable by the council or any of the functions or duties by this Act specifically assigned to any officer or employee. The council may by such by-law make provisions with respect to

- the persons who shall constitute the board;*
- the remuneration that shall be payable to the members of the board (If the membership of the Board includes members of council, the remuneration payable shall be in addition to the remuneration received as a member of council and shall not disqualify such member from continuing to hold office as a member of council);*
- the matters coming within the jurisdiction of the board;*
- the procedure to be followed by the board; and*
- such other matters as council may deem fit”.*

Alberta

Delegation to one or more commissioners or to a manager

The Municipal Government Act, section 87(1)(2)

“A council may, by by-law, provide for the delegation of any or all of its executive and administrative duties and powers to one or more municipal commissioners or to a municipal manager. The municipal commissioners or the municipal manager, as the case may be, shall exercise the powers and duties set out in this Act, and such other powers and duties as may be vested, confirmed or delegated by by-law or by resolution of the council.”

Saskatchewan

Delegation to one or more commissioners

The City Act, section 13(1)

“The powers of the corporation shall be exercised by the council of the city, subject to the provisions of this Act with respect to commissioners.”

The City Act, section 44(1)(2)

“The council may appoint one or more commissioners – who shall hold office during the pleasure of the council, but shall not be dismissed except upon a majority vote of all the members thereof.

The mayor shall ex-officio be a commissioner in addition to those appointed by the council.”

The City Act, section 46(1)(2)

“Subject to the legislative jurisdiction of the council, there shall be vested in the commissioners all such powers and duties as shall be specified by by-law or resolution of the council.

The powers thus delegated may include such executive duties of the council as require the exercise of a discretion or are judicial or quasi-judicial in their character; and they may be altered by by-law or resolution of the council.”

Delegation to a manager

The City Act, section 53

This is a lengthy section that grants to the council the power to appoint a manager and to delegate to him powers that are identical to the powers that may be delegated to one or more commissioners according to the preceding item.

Quebec

City of Montreal

In the City of Montreal, the legislative, executive and administrative powers of the municipal corporation are exercised by a system of separation of powers under which the council, in essence, exercises the legislative powers and an executive committee of the council exercises the executive and administrative powers.

The system does not provide for a delegation of powers by the executive committee to the officers and, therefore there is a “log jam” of administrative matters on the committee’s agenda. This feature of the system has been sharply criticized!

Cities of Quebec, Hull and Laval

In the cities of Quebec, Hull and Laval there is a system of separation of the legislative, executive and administrative powers of the municipal corporation that is based upon, and is essentially the same as, the City of Montreal’s system.

However, the charters of these three cities, which were enacted in the last few years, provide for the appointment of a manager who not only assists and advises the executive committee but, under the authority of the committee, exercises many of the administrative powers of the municipal corporation.

Quebec’s council-manager cities and towns

The great majority of the cities and towns of Quebec have established, under the detailed provisions of the Cities and Towns Act, a council manager system.

Although the Act does not authorize the council to delegate administrative powers to the manager, the Act does provide, in detail, a statement of the duties that are to be assigned by the council to a manager.

delegation

The statement of duties conforms, essentially, to the “accepted principles” of the National Municipal League’s Model City Charter and to the statement of duties of an Ontario CAO that is contemplated in the draft by-law in paragraph 44 of chapter IX.

Under the Quebec council-manager system, because of the statutory statement of the manager’s duties, the councillors are aware of their duties and the manager and officers are aware of their duties!

New Brunswick

Delegation to a committee, board, commission, official or agency

Municipalities Act, section 4(3)

“A municipality may provide for, create, alter and abolish committees, departments, bureaus, divisions, boards, commissions, officials and agencies of the municipality and delegate administrative powers and duties to them.”

Nova Scotia

Delegation to a committee of the council

Municipal Act, section 93(1) – applicable to counties and districts

“The council may from among its members appoint the committees authorized or required by any Act or by the by-laws of the municipality, herein referred to as “standing committees”, which shall have the powers and authority and shall perform the duties conferred and imposed on them by this or any other Act or by the by-laws of the municipality.”

Ontario

The councils of the Ontario municipal corporations, from the City of Toronto with its 682,458 people, to the Village of Sturgeon Point with its 23 people, are not authorized to delegate any of the powers of the corporation to the officers!

However, it is reasonable to assume that, “because of the sheer pressure of business”, the councils of many of the Ontario municipalities, in spite of the absence of an authority, delegate administrative powers to the officers. Although this practice, in most cases, is justified, from a practical point of view, the practice is not legal and is therefore not desirable!

CLASSIFICATION OF SYSTEMS OF DELEGATION

62 The systems for the delegation of the powers of the council in England, the United States and Canada that are described in the three preceding sections may be classified into four types.

63 Under these types the council invariably retains the legislative powers and, subject to its ultimate control and direction, delegates all, or a specified portion, of the executive and administrative powers to either:

- (a) **a committee or committees of the council** – with the approval of the council, a committee may delegate power to a sub-committee or to the chairman of the committee
- (b) **a board**, composed of the mayor and a number of the officers; supported by a **second board** composed of the same officers,
- (c) **a board**, composed of officers, or
- (d) **an officer**

64 The following is a brief outline of the elements of each of these systems of delegation.

A committee or committees of the council – with the approval of the council, a committee may delegate power to a sub-committee or to the chairman of the committee

65 Under this system of delegation, the council exercises its legislative powers, including the power to tax and the power to borrow, and retains ultimate control of the local government’s

affairs, but delegates the executive and administrative powers to a series of committees of the council. The power that is delegated to the committees includes all of the local authority's powers within a specified function, e.g. education; subject to certain statutory restrictions and usually subject to matters of major policy. Included in the system is a provision for delegation of power from committees to sub-committees and to chairmen.

66 The committees do not report their decisions and actions to the council — such a system of reporting is considered to be excessively time-consuming and costly!

67 The development of this system of delegation, along with a system of local party politics, has made it possible for the members of the English councils to retain and exercise many of the detailed administrative powers of the local authorities and to delegate relatively few powers to the officers.

68 However, in recent years “because of the sheer pressure of business”, delegation of power to officers has been increased greatly and, in the most progressive authorities, a CAO has been appointed.

A board, composed of the mayor and a number of the officers, supported by a second board composed of the same officers

69 Under this system of delegation, the council exercises ultimate direction and control of the municipality's affairs by the establishment of two boards.

70 **The first of these boards**, which is composed of the mayor and a number of officers,

- (a) considers and reports to the council with regard to every recommendation that is concerned with the establishment of a new policy or the revision of an existing policy, while

the second of these boards, which is composed of a number of officers,

- (b) prepares reports and recommendations to the first of these boards with regard to every matter that is concerned with the establishment of a new policy or the revision of an existing policy, and
- (c) is responsible to the council, under the terms of the council's power to delegate, as its administrative agency, for the leadership, co-ordination and direction of the officers and employees in the implementation of the council's policies and in the provision of the municipality's services to the public.

71 The system has been developed in Western Canada and is described and discussed in chapter XIV.

A board composed of officers

72 Under this system of delegation, the council exercises direction and control; establishes a series of policy committees of the council to consider matters of policy and to report thereon to the council; and appoints a board of officers to

- (a) consider, study and report to the council, or to one of the policy committees of the council with regard to every matter that is concerned with the establishment of a new policy or the revision of an existing policy, and
- (b) be responsible to the council, under the terms of the council's power to delegate, as the council's administrative agency, for the leadership, co-ordination and direction of the officers and employees in the implementation of the council's policies and the provision of the municipality's services to the public.

73 The system has been adopted in Western Canada and is discussed in chapter XIV.

An officer

74 Under this system of delegation the council, under the terms of its authority to delegate

delegation

its executive and administrative powers and duties, appoints a chief administrative officer to exercise, subject to the policies, the control and direction of the council, the executive and administrative powers of the corporation.

75 The CAO is responsible for the leadership, co-ordination and direction of the officers and for the establishment of a system of “integrated administration at the officer level”.

76 The administrative decisions of the CAO and the officers are made by the use of the “management by exception” principle, i.e. a decision that lies within the policies of the council is made by an officer, while a decision that requires a change in policy or a new policy is referred to the council for decision.

77 Delegation of the powers of the municipal corporation is an integral part of the council-manager system as described in chapter XVII. Adaptations of the system are being used in British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick and in many European and other countries.

78 Because of legal restrictions, the system cannot be established in Ontario.

SUITABILITY OF THE SYSTEMS TO MUNICIPALITIES IN ONTARIO

79 Which of these systems for the delegation of the councils’ powers is suitable to the needs of the Ontario municipalities? The findings of this Study are stated in the following subsections.

A committee or committees of the council – with the approval of the council, a committee may delegate power to a sub-committee or to the chairman of the committee

80 The result of the use of this system of delegation is that the time and energy of the members of the councils is allocated, primarily, to matters of supervision and to detailed administration – the more important matters i.e. goals, objectives, priorities, policies, suffer!

81 The system reflects an old and almost ancient concept that the elected representatives of the people must take all of the decisions – even those of a routine and repetitive nature! This system, until very recently, has not been influenced by John Stuart Mill’s century-old dictum, “*The business of the elective body is not to do the work, but to see that the work is properly done and that nothing necessary is left undone.*”

82 In recent years, in England, because of the greatly increased role of the local governments; because of “the sheer pressure of business”; and because of the initiative of the associations of the local authorities and their officers; the system has come under close and critical scrutiny.

83 One of the results of this scrutiny has been a realization, on the part of the members, that their time has been allocated unduly to matters of administration. As a result, there has been a sharp increase in delegation of powers to the officers; in the establishment of “systems of co-ordinated administration at the officer level”; and in the appointment of CAOs.

84 *This study concludes that it would not be in the best interests of the Ontario municipalities to grant to the councils the authority to delegate executive and administrative powers to committees of the council and to chairmen of committees.*

A board composed of the mayor and a number of the officers, supported by a second board composed of the same officers

85 The establishment of a board that is composed of the head of the council and a number of officers, with the responsibility to initiate policy recommendations to the council, is not in accord with accepted democratic theories! An officer of a municipal corporation should not be placed in the position of voting, as a member of such a board, against the head of the council!

86 The feature of the system which requires the mayor to assume certain administrative

duties, places the effectiveness, not only of the head of the council but, also, of the officers who are members of the board, in jeopardy.

87 *This Study concludes that it would not be in the best interests of the Ontario municipalities to grant to the councils the authority to establish a board to initiate policy recommendations to the council and to appoint the mayor and a number of the officers of the board.*

A board composed of officers

88 The establishment of a board of officers, usually called a “board of administration”,

- (a) frees the mayor and the other members of the council from the endless demands of administrative matters and, thereby, makes it possible for them, through the establishment of policy committees of the council, to allocate the bulk of their time and energy to the prime concerns of the municipality, i.e. goals, objectives, policies, priorities, matters of representation, public conflict, etc.
- (b) maintains the unity of the council and establishes a systematic and co-ordinated approach to the administration of the municipality’s affairs, including a system for the leadership, co-ordination and direction of the officers and employees, at the officer level. (An integral part of the system is a delegation of powers to officers – the powers are exercised on the “management by exception” principle), and
- (c) brings to the affairs of the board of officers the knowledge and experience of a group of officers with a wide range of the skills and the judgments that are needed by a large municipal corporation.

89 *This Study concludes that it would be in the best interests of the largest of the Ontario municipalities to grant to the councils of these municipalities the authority to establish a board of officers and to delegate executive and administrative powers to the board, to be exercised subject to the policies of the council.*

An officer

90 The appointment of an officer, a CAO, brings to the council of the medium to large municipalities all of the advantages that the appointment of a board of officers brings to the largest of the municipalities. These advantages are described briefly in paragraph 88.

91 *This study concludes that it would be in the best interests of the medium to large Ontario municipalities to grant to the councils of these municipalities the authority to appoint a CAO and to delegate, with or without restriction, to the CAO and to the other officers of the corporation, executive and administrative powers to be exercised subject to the policies of the council.*

CONCLUSIONS

92 *A system of delegation of powers from the policy-making group to line managers or administrators is essential if an enterprise or organization, in the private or the public sectors, is to use the human resources that are available, effectively and economically.*

93 *Systems of delegation are in use in the Governments of Canada and Ontario, limited companies, the great majority of the organizations in the public and the private sectors including, because of “the sheer pressure of business”, local governments in many of the Canadian Provinces, the United States and England.*

94 *The most effective systems of delegation are based upon the “management by exception” principle, i.e. the responsible manager or administrator takes only those decisions that are within the policies of the policy-making group – he refers all other decisions to the policy-making group!*

95 *Insofar as Ontario’s municipalities are concerned, the most appropriate delegation of executive and administrative powers by the council, in the medium to larger municipalities, would be to an officer or officers; and, in the largest municipalities, would be to a board of*

officers. This conclusion has been reached because each system of delegation will

- (a) free the mayor and the other members of the council from the endless demands of administrative matters and, thereby, make it possible for them to allocate the bulk of their time and energy to the prime concerns of the municipality i.e. goals, objectives, policies, priorities, matters of representation, public conflict, etc.
- (b) maintain the unity of the council and "establish a systematic and co-ordinated approach to the administration of the municipality's affairs", including a system for the leadership, co-ordination and direction of the officers and employees, at the officer level. (An integral part of the system is a delegation of powers from the council to officers) and
- (c) bring to the administrative affairs of the municipal corporation the knowledge and experience of a CAO and a group of officers with the skills and judgments that are needed by the municipalities.

RECOMMENDATION

96 *The Municipal Act and the metropolitan, regional and district municipality acts be amended to provide*

- (a) for the delegation of the executive and administrative powers and duties of the council, with or without restriction, to
 - (i) one or more of the officers of the corporation, or
 - (ii) a board of administration comprised of two or more of the officers of the corporation, and
- (b) for the officer, officers or board of administration, to delegate to an officer or officers, with or without restriction, all, or a portion, of the powers received from the council, with the approval of the council, as an integral part of a system of delegation.

Ontario's Local Government - The Elements of Decision-Making

INTRODUCTION

1 This Chapter is designed as an introduction to the topics that are discussed in chapters VII to XI, namely, the five systems of local government in Ontario. Most of the elements of decision-making of these systems are common to all of the systems. Each of the elements is identified and described briefly in this Chapter, with brief comments of an introductory nature. The chapters of the Report in which some of the elements are discussed in detail are specified.

2 The elements of some, or all, of these five systems are as follows: the council, the head of the council, the councillors, committees of the council, boards of control or executive committees of the council, the officers and other elements which are extraneous to the municipal corporations but which influence the local decision-making processes, significantly.

COUNCIL

3 Sections 27 to 32 of The Municipal Act outline the composition of the councils of the local municipalities – the cities, separated towns, towns, villages and townships.

4 In the great majority of these municipalities, the council is composed of a mayor or a reeve and, in some cases, a deputy reeve and a number of councillors.

5 In the largest of the local Ontario municipalities, which have adopted the council-board of control system, the council is composed of a mayor, members of the board of control, and a number of councillors.

6 The minimum number of members of the council in a local municipality is 5 – a mayor and 4 councillors. The minimum number predominates in the small town, villages and townships. The largest councils are found in the cities where the council-board of control system has been adopted, i.e. London's council is composed of 19 members; Hamilton's of 21 members; Toronto's of 23 members; while Ottawa's council is composed of 27 members.

7 Large councils are the exception. The average number of councillors is 8.

8 20 years ago, in Ontario, there were five classes of local municipalities, namely, cities, separated towns, towns, villages and townships, and one class of upper-tier municipality, namely, the county. However, commencing with the establishment of the Municipality of Metropolitan Toronto in the early '50s, three additional classes of upper-tier municipality have been established, namely, metropolitan, regional and district municipalities.

9 The members of the councils of the upper-tier municipalities are selected, on varying basis, from the councils of the local or the area municipalities. In Regional Niagara, however, of the 29 councillors, excluding the chairman, 12 are selected from the councils of the area municipalities, while 16 are elected directly by a general vote of the electors of the area municipalities.

10 Section 9 of the Municipal Act states that "the power of a municipal corporation shall be exercised by its council". The council is, therefore, the governing body of the municipal corporation and, in general terms, exercises the powers and carries out the duties of the corporation.

11 Unlike Parliament or the Legislature, a council functions as a legislative, executive and administrative body. In its legislative capacity, a council formulates the policies which, in its opinion, are for the benefit and the protection of the residents of the local community and,

the elements

then, subject to the provisions of the Statutes, the council enacts the by-laws that are necessary to give effect to its policies. In its executive and administrative capacity, a council ensures that the duties of the corporation and the policies of the council are carried out by the officers and the council controls and directs the officers in the administration of the affairs of the corporation.

12 The Ontario councils have not been granted the power to delegate any of their powers to councillors or to officers of the corporation.

13 The powers of the local councils, with the exception of powers that are granted by private legislation, are essentially the same.

14 The desirability of authorizing councils to delegate certain of their executive and administrative powers to officers is discussed, at length, in chapter IV.

HEAD OF THE COUNCIL

15 The reeve or mayor of a township, village, town, separated town and city and the warden of a county, is the head of the council and the chief executive officer (CEO) of the corporation.

16 The Reeves and mayors are elected at large; while, as stated in paragraph 9, the warden is selected from the councillors of the local municipalities.

17 The duties of the reeve, mayor or warden, as the head of the council, are defined in section 211 of The Municipal Act as follows:

- (a) be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed,
- (b) oversee the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished, and
- (c) communicate to the council from time to time such information and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality.

18 The chairman of the council of a metropolitan, regional or district municipality, according to other related acts, is also the head of the council and the chief executive officer of the corporation. As is the case with The Municipal Act, these other related acts do not define the duties of the chairman of the council in his capacity as the CEO of the corporation; however, unlike The Municipal Act, these acts do not even define the duties of the chairman of his capacity as the head of the council.

19 In his position as head of the council, the reeve, mayor, warden or chairman is, usually, a member ex-officio of the committees of the council and of most of the local boards. As a result of his involvement in the affairs, not only of the council and of its committees but, also, of most of the local boards, the head of the council is in a position to view the entire local scene and, therefore, is in a position to

- (a) lead the members of the council,
- (b) exercise initiative,
- (c) co-ordinate the activities of the councillors with the activities of the members of the local boards, and
- (d) act as a liaison between the councillors, the officers and the electors.

20 One of the most time-consuming duties of the head of the council is to represent the council on occasions of public ceremony and hospitality – this role of the head of the council is very important to the general public.

21 The head of the council is not granted any power in the Statutes beyond the power that is granted to any other member of the council. Therefore, his effectiveness is related, exclusively, to his abilities, capacities, reputation and personality and to the local community's acceptance of, and respect for, the historic office of reeve, mayor, warden or chairman.

22 In chapter III the statement of the duties in The Municipal Act and other related acts of the reeves, mayors, and wardens, as the head of the council, is examined carefully. Similarly, the statement in these acts that the reeves, mayors, wardens and chairmen are the “CEO of the corporation” is examined carefully. In the examination the generally accepted use, in Ontario, of the term “CEO” is discussed, thoroughly.

COUNCILLORS

23 The councillors, including the mayor and the members of a board of control, are the council and, as such, they exercise the powers of the municipal corporation. The powers of the corporation, with relatively few exceptions, are exercised on the basis of a majority vote of the members.

24 The functions of the councillors, the relationships between the councillors and the head of the council, members of a board of control or an executive committee and the officers; the manner in which they organize themselves, as a council, in order to exercise the powers of the municipal corporation; and many other matters that are related to the functions of the councillors are discussed throughout the Report.

COMMITTEES OF THE COUNCIL

25 Two types of committees of the council may be established by a council – a standing committee and a special or an ad hoc committee.

26 A standing committee of the council is appointed by the council to serve the council, in a continuing capacity, with regard to a certain function or functions that come within the jurisdiction of the council. The duties of such a committee, usually, are to

- (a) present reports and make recommendations to the council with regard to any matter which falls within the function or functions that are assigned to the committee,
- (b) exercise a general supervision of the officer or officers that administer the function or functions that fall within the committee’s jurisdiction, and
- (c) advise the officers with regard to any matter that falls within the committee’s jurisdiction.

27 As stated in paragraph 12, the councils do not possess the authority to delegate any of their powers. However, standing committees in Ontario do, in fact, make a limited number of administrative decisions in the knowledge, and on the understanding, that the council will, subsequently, support their decisions.

28 A standing committee may be supervisory, advisory, consultative or investigative in nature.

29 A special or ad hoc committee may be established by a council to perform a specific function – usually, to study a matter and to report thereon to the council, with recommendations. After the matter has been dealt with, the committee ceases to exist.

30 The role of committees of the council is discussed, at some length, in a number of chapters but, particularly, in chapters VIII, IX, X, XI and XIV.

BOARDS OF CONTROL AND EXECUTIVE COMMITTEES OF THE COUNCIL

31 The powers and duties of a board of control, which is a type of executive committee of the council, are described and discussed in chapter X; while the powers and duties of an executive committee of the council are discussed in chapter XI. The only executive committees that are established, under the terms of a Statute, are those of Metropolitan Toronto and Ottawa-Carleton. The powers of boards of control and of these executive committees are identical and are unusual.

ELECTION AT LARGE OR ELECTION BY WARD

32 The towns, villages and townships are free to elect at large or to elect by ward. The cities are not free to elect at large — they are required to elect councillors by ward and members of a board of control (and the mayor) at large.

33 Election by ward, is very unusual, in a municipality with a population of less than 20,000 — the population of, perhaps, 830 local municipalities is less than 20,000. Of the local municipalities in the 20,000 to 100,000 population range, approximately 50% elect by ward; while of the local municipalities with a population in excess of 100,000, almost all of them elect by ward.

34 Certain cities, such as the City of Windsor, have sought, and secured, private legislation that authorizes them to elect at large, in spite of the provisions of The Municipal Act. (Election at large in one of the “preferred” principles in the National Municipal League’s Model City Charter — the charter is discussed in chapters XVII and IX).

35 There is a difference of opinion, concerning election at large and election by ward, among students of political processes, particularly, students of voting patterns in local government. *However, on the basis of the election practices of some of the most progressive municipalities in the United States and in Canada, it would appear to be in the interests of progressive election practices to give to the councils the option of deciding if the councillors (and the mayor) are to be elected at large or to be elected by ward. Recommendations are made on this topic elsewhere in the Report.*

OFFICERS

36 The officers of the municipal corporations (and the employees, also) are appointed by the councils, themselves. The nature of the reporting of the officers varies with each of the systems of decision-making, for instance,

- (a) in some municipalities, the officers report to the council,
- (b) in others, some of the officers report to the council, while others report to one of the committees of the council, while
- (c) in others, some of the officers report to the board of control, while others report to one of the committees of the council.

37 The powers and duties of the officers and, in particular, the role of the chief administrative officer in the decision-making processes, are discussed in many of the chapters but, especially, in chapters IX and XVII.

OTHER ELEMENTS

38 The elements of the decision-making processes that have been identified in the previous sections of this Chapter are related to the role of the members of the councils and the officers of the municipal corporations.

39 However, there are other elements in the decision-making processes of the municipalities that, frequently, are of more significance than are the councillors or the officers. Included in these elements are many of the ministries of the Province of Ontario and, in recent years, of Canada; the press, radio and television; local activists and special interest groups; the electors and the general public.

40 The objectives of this Report do not include a review of the role of these elements. *However, it is obvious that the role of these elements in the decision-making processes on many occasions is much more significant than is the role of the members of the council.*

Ontario's Local Government -
A Classification
and
An Analysis of the System

INTRODUCTION

- 1 This Study of Ontario's systems of municipal decision-making proceeds with a summary of the systems that are to be found in Ontario's local municipalities – the cities, separated towns, boroughs, towns, villages, townships and improvement districts.
- 2 The summary does not include the systems of decision-making of the counties and the metropolitan, regional and district municipalities (the upper tier municipalities).

SUMMARY

- 3 The following summary classifies the local municipalities by population range and by the system of decision-making which they had adopted as of January 1, 1969.

Population	• Council • No committee • No CAO	• Council • One or more committees • No CAO	• Council • CAO	• Council • Board of Control • Committees • No CAO	Total number of local municipalities
1– 1,000	182	91			273
1,001– 2,000	115	116			231
2,001– 5,000	80	162	6		248
5,001– 10,000	18	72	4		94
10,001– 45,000	6	20	20		46
45,001–100,000		4	12	2	18
100,001–250,000		1	2	2	5
250,001–500,000				5	5
500,001–or more		1			1
	401	467	44	9	921
	====	=====	====	====	=====
Percent age	44%	50%	5%	1%	100%
	====	=====	====	====	=====

- 4 This second summary complements the first summary by classifying the local municipalities according to the percentage of the local governments within each population range that had adopted each system of decision-making as of January 1, 1969.

a classification

Population	· Council · No committee · No CAO	· Council · One or more committees · No CAO	· Council · CAO	· Council · Board of Control · Committees · No CAO	Total number of local municipalities
1– 1,000	67%	33%			100%
1,001– 2,000	50	50			100
2,001– 5,000	33	65	2%		100
5,001– 10,000	19	76	5		100
10,001– 45,000	12	44	44		100
45,001–100,000		23	67	10%	100
100,001–250,000		20	40	40	100
250,001–or more				100	100

COMMENTS

5 The following commentary indicates that the adoption of each of these systems of decision-making is related closely to the population of the municipality.

Population

1- 1,000	The council-no committee-no CAO system and the council-one or more committees-no CAO system are employed exclusively in a 2 to 1 ratio.
1,001- 2,000	The council-no committee-no CAO system and the council-one or more committees-no CAO system are employed exclusively in a 1 to 1 ratio.
2,001- 5,000	The council-no committee-no CAO system and the council-one or more committees-no CAO system predominate, but they are now in a 1 to 2 ratio; the council-CAO system is introduced for the first time by 2% of the municipalities within the population range.
5,001- 10,000	The council-no committee-no CAO system and the council-one or more committees-no CAO system still predominate, but in a 1 to 4 ratio; however, the council-CAO system is employed by 5% of the municipalities in the population range.
10,001- 45,000	The council-one or more committees-no CAO system and the council-CAO system now predominate; each system is employed by 44% of the municipalities in the population range; only 12% of the municipalities within the population range employ the council-no committee-no CAO system.
45,001-100,000	The council-CAO system predominates – it is employed by 67% of the municipalities within the range; the council-one or more committees-no CAO system is employed in only 23% of the municipalities; while the council-no committee-no CAO system is eliminated; the council-board of control-committees-no CAO system is introduced in 10% of the municipalities within the population range.
100,001-250,000	The council-CAO system and the council-board of control system predominate; each system is in 40% of the municipalities, the council-one or more committees-no CAO system is reduced to 20% of the municipalities.
250,001-or more	The council-board of control system is employed exclusively.

6 *Generally speaking, the systems of decision-making that are used by Ontario's local municipalities – from the smallest to the largest – are as follows: the council-no committee-no CAO; the council-one or more committees-no CAO; the council-CAO; the council-board of control-committees-no CAO.*

7 It is to be noted that Ontario councils that have adopted the council-CAO system or the council-board of control system, in the great majority of cases, establish a system of administrative committees of the council.

CHAPTER VII

Ontario's Council-No Committee-No CAO System

INTRODUCTION

1 This Chapter, and each of the next four chapters, deals with one of the five systems of municipal government decision-making in Ontario.

2 The Chapter commences by identifying the hundreds of small rural, rural-urban and small urban municipalities that use the council-no committee-no CAO system, the services which they provide to the public and the significance of these services to the public and to potential candidates for public office.

3 The members of the council, including the head of the council, and the roles which they are required to perform, are described briefly.

4 The nature of the administrative responsibilities of these municipal corporations is described. The difficulties that are experienced in locating persons with the skills that are needed to assume these administrative responsibilities are described.

5 The decision-making processes and, particularly, the relationships between the councillors and the employees are discussed.

6 The Chapter concludes with an opinion concerning the administrative viability of these small municipalities!

7 Conclusions are drawn. Recommendations are made.

THE MUNICIPALITIES

8 As of January 1, 1969, the council-no committee-no CAO system of local government decision-making was being used by 401, or 44%, of the Ontario municipalities. Of these municipalities, the population of 377 was less than 5,000; the population of 297 was less than 2,000; the population of 182 was less than 1,000.

9 From 10% to 15% of Ontario's population lies within these municipalities. This population includes the population of the great majority of Ontario's towns, villages and townships — the sparsely populated, the rural, the rural-urban and the small urban areas of Ontario — those areas of Ontario from which so many of the people, particularly, the young people, have emigrated during the last 30 years to the cities.

THE SERVICES PROVIDED

10 The councils of these small municipalities are assigned the task of providing municipal services to the rural, rural-urban and small urban areas throughout all parts of the Province — areas that have undergone, or are undergoing, great social and economic change! These changes are discussed in chapter 1.

11 What municipal services are provided by these local governments? Essentially, the services provided are the local municipal services that the inter-municipal services have been transferred to the responsibility of the large, usually county-wide, local boards, such as the local boards that provide public health, social welfare, family services, library services, conservation and, of course, elementary and secondary education.

no committee, no CAO

12 *What are the municipal services that remain? The list is brief! The most common services that are supplied directly by the hundreds of small towns, villages and townships of Ontario are the construction and maintenance of the local streets and roadways, drainage, local water systems, small sewerage systems, some recreation services, a few libraries. (Responsibility for the operation and maintenance of all, or a portion, of many of these water and sewer systems was transferred to the Ontario Water Resources Commission, in recent years, as a condition of the availability of the commission's advice, services and money).*

13 However, the counties, the regional and district municipalities, the large divisional school boards, including the greatly enlarged separate school boards, and any other inter-municipal local boards, requisition against these small local municipalities for a major portion of their revenue requirements.

14 The local municipalities, by the exercise of their power to impose the realty tax and the business tax, secure the funds needed to meet the revenue requirements of the second-tier municipalities, the local boards and themselves.

15 The service of the small local municipality, as the tax collector for a very much larger, and extremely complex, local government system has become, perhaps, the most important "service" that these municipalities render. And, yet, it is ironic that, with the arrival of the computer and of uniform practices for the assessment of land and the improvements thereto, realty and business taxes could be billed and collected much more economically, if the work were to be transferred to much larger municipal units.

THE SIGNIFICANCE OF THE SERVICES PROVIDED

16 What is significance to the public and to those who may seek local office of the municipal services provided by these local governments?

17 The question may be answered, in part, by examining the level of the expenditures of these local governments. What does such an examination disclose?

18 An analysis of the expenditures of the "440 smallest local municipalities" was made by DMA in 1966. The expenditures that were used in the analysis were the annual gross expenditures of the municipalities, including the funds requisitioned by the local boards and by the county, but excluding the shcool boards.

19 The following is an analysis of the expenditures.

Annual Gross Expenditures Excluding Education	Local Municipalities	
	Number	Percentage(1)
0 – \$ 50,000	154	17%
\$ 50,001 – 100,000	166	18
100,001 – 150,000	120	15
	440	50
	====	=====

(1) of the 882 local municipalities

20 *The summary discloses that the exercise of the powers of 17 percent of the municipal councils in Ontario involves an annual gross expenditure of less than \$50,000! – an average of \$10,000 per councillor! The powers of an additional 18% of the councils involves an annual gross expenditure of less than \$20,000 per councillor; while, in the case of a further 15%, the comparative figure is \$30,000!*

21 In appraising the significance of these levels of expenditure, it is essential to remember that (a) the bulk of the expenditures of these municipalities are allocated to roadways and streets, such expenditures are subsidized heavily (a maximum of 80%) and the decisions of the council with regard to the expenditures are subject, essentially, to the rulings of the Ministry of

Transportation and Communications, and (b) the expenditures include amounts requisitioned by the local boards and by the county, but exclude amounts requisitioned by the school boards.

22 Therefore, it is reasonable to state that, on the basis of the gross expenditures under the jurisdiction of the councils, the duties imposed on the councillors of Ontario's 440 smallest local municipalities are not significant. However, because of the extremely complex structure within which these small municipalities must operate, the exercise of their duties may be frustrating indeed!

23 In connection with structure, and with an appraisal of the administrative difficulties of these small rural, rural-urban and small urban municipalities, it is to be noted that *they must be administered under the same laws and the same Provincial requirements as very much larger municipalities – with their greatly increased human and financial resources! The statutes with regard to elections, taxation, financial control, etc., etc., etc., for instance, that apply to the City of Toronto, with its 680,319 persons, apply to the Village of Sturgeon Point in the County of Victoria, with its 29 persons!*

THE MEMBERS OF THE COUNCIL, INCLUDING THE HEAD

24 The number of councillors in these small municipalities, including the head of the council usually is five – the minimum number provided for in The Municipal Act.

25 The councillors are elected at large, with the head of the council being elected, separately and directly, by the electors and not being selected by the councillors from among themselves.

26 The number of members on the council is adequate.

27 Useful data is not available with regard to the age, sex, occupation, etc., of the persons from across Ontario who are prepared to accept a nomination for membership on the council of one of these small rural or rural-urban municipalities.

28 Nor is useful data available concerning the number of candidates, the number of acclamations, the percentage of the electors who vote, etc. However, it is known that the availability of any candidate, let alone a "good" candidate, is a continuing problem in many of these municipalities, acclamations are common and the percentage of the electors who exercise their franchise is low.

29 The role of the councillors in these municipalities is to exercise the powers of the municipal corporation, determine the nature of the services to be provided, supervise the employees and represent the interests of the municipality within the extremely complex sub-provincial and provincial structure.

30 For the reasons that are developed in this Chapter, this Study finds that the duties of the councillors of these municipalities are not onerous!

THE OFFICERS AND EMPLOYEES

31 As indicated in an earlier section, these small municipal corporations are required to administer their affairs under, essentially, the terms of the same complex, and ever-changing, statutes, regulations and directives as the largest of the Ontario corporations.

32 Because of the scarcity in rural and rural-urban Ontario of persons with the administrative skills required by the municipalities, or with the ability and desire to acquire these skills; the small rural, often isolated, municipalities are faced with the problem of attempting to employ persons who can administer the municipalities' affairs according to Ontario's requirements.

33 These small municipalities employ one, perhaps two, full-time employees; several part-time employees and a few casual workers.

34 To assist the municipalities to cope more effectively with their administrative problems, DMA, for many years, has advised that the office of clerk and treasurer be combined and the

no committee, no CAO

council seek the services of a person in the area who has some clerical and bookkeeping experience and who is prepared to work hard to become familiar with the statutes, regulations and directives.

35 However, many of the clerk-treasurers, for instance, are retired farmers or ex-tradesmen. Many of them are well into their late '60s and early '70s.

36 The following is an analysis of the municipalities that had appointed a clerk-treasurer as at January 1, 1969.

Analyzed by
the population of the municipality, at January 1, 1969

Population	Number of Municipalities	Number of clerk- treasurers	Column (2) as a percentage of column (1)
	(1)	(2)	(3)
1— 5,000	741	635	86%
5,001— 10,000	88	77	88
10,001— 25,000	43	15*	35
25,001—100,000	47	18**	38
100,001—or more	27	7**	26
	946	752	79
	====	=====	=====

Notes

- * 2 of these are the clerk-treasurer of a county
- ** each of these is the clerk-treasurer of a county

37 The analysis discloses that the great majority of the municipalities that are being discussed in this Chapter (86 percent) have combined the office of the clerk and the treasurer.

38 What is the training, working hours and working conditions of the clerk-treasurer of these municipalities, in his capacity as treasurer? A survey of these factors in the small municipalities was conducted in 1964 by DMA's Municipal Accounting Branch. The following summary was extracted from the survey:

	Percentage of the municipalities population	
	1—3,000	3,001—6,000
The treasurer possesses some training in bookkeeping	5%	17%
The treasurer is available to the public		
· on a full-time basis	30%	71%
· on a regular basis	77%	93%
The treasurer is available to the public in an office provided by the municipality	49%	87%

39 The summary discloses that (a) *very few of the treasurers possess any training for their work*; (b) *many of the treasurers are not available to the public, on either a full-time or on a regular basis* and (c) *in many cases, the municipality does not provide an office in which the public can do business with the treasurer.*

40 The 1964 survey also discloses that *most of the treasurers, for instance, of these municipalities are dependent upon the municipal auditor to perform their bookkeeping and accounting duties!* (When the Residential Property Tax Reduction Program was being established by DMA, for instance, because of the inadequate skills of most of the treasurers, the services of municipal auditors, acting as agents of DMA, were secured to ensure that the system of tax reductions would be established correctly in the municipalities. *DMA could not rely on the skills of the treasurers of most of these small municipalities.*)

THE DECISION-MAKING PROCESSES

41 Before concluding this Chapter, it is essential to discuss the exercise of the legislative, executive and administrative powers and duties of these rural, rural-urban and small urban municipalities.

42 *Since the officers, frequently, do not possess an adequate knowledge of the workings of an Ontario municipality, many of the councillors are inclined to attempt to fill the void themselves and to become involved directly in the administrative processes and to do some of the “work” – as a matter of fact, in most of these municipalities, the line between policy and administration is obliterated completely! The normal councillor-officer relationships become blurred and confused!*

43 *In the majority of these municipalities it is academic to examine into the decision-making theories and practices in order to ensure that the time, energy and skills of the councillors and employees are used to best advantage and in the best interests of the local community!*

44 It is academic to raise questions such as “Are the duties of the head of the council stated clearly and, are they understood by all?” “Is the role of the head of the council confused with the role of the CAO?” There are many more such questions. They are all impractical when raised in the context of these municipalities!

45 These questions are academic because the great majority, if not all, of these municipalities, from a functional, administrative and economic point-of-view, are marginal – to say the least! Their human resources are not adequate. Many of them are isolated. The population of the smallest is 29 persons!

46 *As a matter of fact, it is reasonable to state that, if the sustaining technical services of persons such as the municipal auditor and advisors from certain of the Ontario Ministries were not available, it is questionable, indeed, if the councillors and employees of many of these municipalities could cope with the complex administrative requirements of the Ontario laws, regulations and directives!*

47 The statements in The Municipal Act of the duties of the statutory officers of the municipal corporations do little to contribute to the members’, officers’ and employees’ understanding of the duties of the statutory officers. For instance, according to the Act the duties of the treasurer of a major city, such as the City of Ottawa, are confined to the receipt, deposit and payment of money and to the publication of an audited financial statement! Obviously, the prime duties of the treasurer are not mentioned! The statements of the duties of the officers, which have not been critically reviewed for many, many years, are legalistic and inadequate and, therefore, they add to the administrative burdens of the officers.

ARE THESE MUNICIPALITIES ADMINISTRATIVELY VIABLE?

48 According to the dictionary to be viable is to be “capable of growing and developing”. If a local government is to be viable, its councillors and officers must be capable of, and be placed in a position to, exercise its powers and assume its duties in such a way that the local government will grow and develop.

49 A study of the decision-making processes in Ontario's other systems of local government involves an examination of the manner in which the time, energy and skills of the elected representatives and the employees are allocated and used. Such an examination, in the case of the council-no committee-no CAO system municipalities, would be academic and a non-starter!

50 On the basis of the discussion in this Chapter concerning

- (a) the significance of the services provided by these municipalities (the average annual gross expenditure of one-third of them (154) is less than \$10,000);
- (b) the difficulties experienced in attracting persons to the local elected offices and in engaging employees with the skills that are needed in order to cope with the laws and directives of Ontario; and
- (c) the inability of many of these local units to cope with the complex technical requirements,

it is the opinion of this Study that these municipalities, in most cases, are not administratively viable.

51 In connection with this opinion, it is pointed out that in Design for Development Phase 2, the statement is made "the minimum population of a local municipality in a region should be from 8,000 to 10,000". The populations of the largest municipalities that are discussed in this Chapter are well below 8,000!

52 *The solution to the problems of these small rural, rural-urban and small urban municipalities lies in the implementation of the Government's program to re-structure Ontario's municipal system by the consolidation, enlargement and rationalization of the present extremely-large number of small local municipalities.*

53 When the Government's program has been completed, the areas of Ontario that are being served by the municipalities discussed in this Chapter, will be served by a municipal system that is viable and, therefore, possesses the human, financial and other resources that are needed to meet the goals, objectives and requirements of Ontario's municipalities, that lie beyond the large urban centres.

CONCLUSIONS

54 *The 400-odd small municipalities that use the council-no committee-no CAO system are not viable – administratively, financially and from a decision-making point-of-view! On the basis of the services that these municipalities provide to the public (after so many services have been transferred to regional, district or county municipalities or to inter-municipal local boards), their continuation is not warranted!*

55 *It is extremely difficult to attract to the service of these exceedingly small municipalities the human resources that are needed – either as elected representatives or as employees of the municipal corporations!*

56 *It would be an academic exercise to study, systematically and thoroughly, the decision-making processes in these small local municipalities! The formal and informal relationships between the members of the council and the employees are blurred and confused and, therefore, a study of their elements of decision-making would not be meaningful!*

57 *The feasibility of an educational and training program that would be designed to improve the knowledge, skills and relationships between the elected representatives and the employees of these small municipalities is questionable, indeed. It is extremely doubtful if the members of the councils would participate in, and support, such a program (particularly, in the municipalities which are most in need of such a program). The level of the basic training of the great majority of the employees, and their commitment to the service of local government, would not warrant the time, energy and money that would be required.*

58 *The statements in The Municipal Act of the duties of the statutory officers of the*

municipal corporations, such as those of the clerk and the treasurer, should be deleted and modern, realistic statements of the duties of these officers should be enacted.

59 *The acceptance of the recommendations of chapter III concerning (a) the duties of the head of the council; (b) the statutory statement that he is the chief executive officer of the municipal corporation and (c) his election or selection; and (d) the appointment by the council of a CAO, would contribute to an improvement of the decision-making processes of the larger municipalities of this Chapter.*

RECOMMENDATIONS

60 *On the basis of the conclusions in this Chapter that*

- (a) the small rural, rural-urban and small urban municipalities in Ontario are not administratively viable, and*
- (b) the solution to the administrative problems of these small municipalities lies in the consolidation, enlargement and rationalization of the Ontario system of municipal governments,*

the Government's program in this extremely important area should be accelerated.

61 *The statements in The Municipal Act of the duties of the statutory officers of the municipal corporations, such as those of the clerk and the treasurer, be deleted and modern, realistic statements of the duties of these officers be enacted.*

CHAPTER VIII

Ontario's
Council-One or More Committee-No
CAO System

INTRODUCTION

- 1 This Chapter, in Part 1, deals with the 2nd of the 5 systems of municipal government decision-making in Ontario and, in Part 2, deals with an extremely important topic, namely, the use of committees of the council.
- 2 The Chapter commences by describing the municipalities of this Chapter and by pointing out that, except for the largest of the municipalities, the comments of the previous chapter apply to the municipalities of this Chapter.
- 3 *The remainder of the Chapter is allocated to a discussion of the use of a committee of the council, or of a system of committees. The discussion includes an outline of the law with regard to committees; of the different types of committees; and of the advantages and the disadvantages of committees.*
- 4 The Chapter describes briefly the use of committees of the council in the (i) council-CAO system, (ii) council-board of control-committees-no CAO system, (iii) council-chairman-executive committee-committees-no CAO system and (iv) council-commissioner system.
- 5 The Chapter concludes with a quotation concerning the use of committees of the council from the Report of England's Committee on the Management of Local Government.
- 6 Conclusions are drawn. Recommendations are made.

Part 1

COUNCIL-ONE OR MORE COMMITTEES-NO CAO SYSTEM

THE MUNICIPALITIES

- 7 The municipalities which are discussed in this Chapter are the local municipalities – the cities, separated towns, boroughs, towns, villages, townships and improvement districts – on which, according to annual returns filed with DMA, the council has appointed one or more committees of the council – with the exception of 44 municipalities which have established a form of the council-CAO system, and 9 municipalities which have established the council-board of control system.
- 8 The councils of the municipalities that are discussed in the previous chapter had not appointed a committee of the council. *The appointment, or the non-appointment, of such a committee or committees is the only essential difference between the municipalities that are discussed in this Chapter and those that are discussed in the previous chapter.*
- 9 The following is a comparison of the 401 municipalities of the previous chapter and the 467 of this Chapter.

Population	• Council • No committee • No CAO		• Council • One or more committees • No CAO	
	Number	Percentage	Number	Percentage
(1)	(2)	(3)	(4)	(5)
1— 1,000	182	45%	91	20%
1,001— 2,000	115	29	116	25
	297	74	207	45%
2,001— 5,000	80	20	162	34
5,001— 10,000	18	4	72	15
10,001— 45,000	6	2	20	5
45,001—100,000			4	1
100,001—250,000			1	
250,001—500,000				
500,001—or more			1	
	401	100	467	100
	===	===	===	===

10 The comparison discloses that , of the municipalities that *had not appointed a committee*, the population of 297 or 74 percent, is less than 2,000; while, of the municipalities that *had appointed a committee*, the population of 207 or 45 percent, is less than 2,000.

THE SERVICES PROVIDED AND THEIR SIGNIFICANCE

11 An examination of the comparison in the previous section discloses that the populations of the municipalities of this Chapter are, to a great extent, the same as the populations of the municipalities of the previous chapter.

12 It is reasonable to assume that, with the exception of the municipalitess with populations in excess of, say, 5000; the services provided by the 467 municipalities of this Chapter, and the significance of these services to the public and to those who may seek local public office, are essentially the same as the service provided by the 401 municipalities of the previous chapter.

13 Therefore, with the exception of the relatively few larger municipalities, the observations that are made in paragraphs 8 to 23 of the previous chapter are to be read into this Chapter.

THE MEMBERS OF THE COUNCIL, THE OFFICERS AND EMPLOYEES

14 The comments of the previous chapter concerning the members of the council, including the head of the council, and the officers and employees, apply to the municipalities of this Chapter, with the exception of the largest of the municipalities in column (4) of the comparison in paragraph 9.

15 Therefore, subject to the qualification in the previous chapter, the observations that are made in paragraphs 24 to 40 of the previous chapter are to be read into this Chapter.

THE DECISION-MAKING PORCESSES AND ADMINISTRATIVE VIABILITY

16 As with the two previous sections, the observations that are made in paragraphs 44 to 53 of the previous chapter are to be read into this Chapter.

17 Obviously, if it is “acedemic” to examine the decision-making theories and practices of the great majority of the 401 municipalities of the previous chapter, it is academic to conduct such an examination of the great majority of the 467 municipalities of this Chapter!

18 For similar reasons, the opinion may be expressed that the great majority of the 467 municipalities of this Chapter are not “administratively viable”.

Part 2

COMMITTEES OF THE COUNCIL

THE LAW WITH REGARD TO COMMITTEES OF THE COUNCIL

19 The opinions that are expressed in this section with regard to the powers and duties of committees of the council in Ontario are extracted from Rogers' Law of Canadian Municipal Corporations.

- 20 The Municipal Act,
- (a) does not, in express terms, authorize a council to appoint a committee of its members, and
 - (b) is silent as to what powers and duties may be assigned to a committee; however, the Act
 - (c) recognizes the existence of committees and authorizes the payment of fees to their members.

21 The right of a governing body, including a municipal council, to empower a committee of its members to deal with matters of administrative detail, is apparently an inherent power of such a body so long as the body retains final control over the decisions of the committee.

- 22 The council of a municipality possesses the power to
- (a) establish a committee to consider certain matters in advance and to report to the council thereon, and
 - (b) establish a committee to carry its decisions into effect.

23 The meetings of committees of a council need not be open to the public.

24 To bind the municipal corporation, the act of a committee of a council must be authorized by the council, either prior to, or subsequent to, the act. The committee must act within the scope of the powers granted to it by the council.

3 TYPES OF COMMITTEE OF THE COUNCIL

25 The committees of the councils may be placed into one of three categories, as follows:

Committees that should be discontinued

- (a) Committees, in the smaller municipalities, where all of the members of the council could, with ease, retain responsibility for, and be involved directly in, all of the council's work,
- (b) Committees, in the medium-sized municipalities, where all of the members of the council could retain responsibility for, and be involved directly in, all of the council's work – if the duties of the councillors and the officers were clarified; if the administrative procedures conformed to modern practices; and if the councillors and the officers changed their attitude to municipal decision-making,

Committees that should not be discontinued

- (c) Committees in the largest of the municipalities, where it is not practicable for all of the councillors to be involved directly in all of the council's work,

Special or ad hoc committees

- (d) Committees that are established to examine into a specific matter and report thereon to the council.

ADVANTAGES OF COMMITTEES OF THE COUNCIL

27 The following are some of the reasons that are advanced to warrant the appointment of a

committee or of a system of such committees of the council. The applicability of the comments that follow varies with the variety and the complexity of the affairs of the municipal corporation involved.

- (a) Committees of the council are appointed, theoretically, in order to maximize the utilization of the time of the councillors.
- (b) The appointment of a committee of the council to examine into a particular matter and to report to the other members, frees the time of the other members for other matters.
- (c) A councillor may become knowledgeable in a specific area of a municipality's activities because of his work as a member of a committee. As a result, he is helpful to the other councillors in the administration of the affairs of the departments and in the developments and in the development of their policies and practices.
- (d) The workings of a committee system may prevent the taking of decisions that are "hasty" or "rash". The interval between the taking of a decision by a committee and the consideration of the decision at a meeting of the council, gives time for further discussion, for "second thoughts", for the gathering of additional information and other opinions and, perhaps, for the development of a different recommendation to the council.
- (e) Since the meetings of the administrative committees of the council are not formal and the discussion is free and easy; the councillors, particularly those who hesitate to take part in the formal proceedings of the council, are inclined to participate more actively in the deliberations of the committees than they are in the debates of the council.
- (f) The members of the council, by the establishment of a system of administrative committees, are able to retain and exercise the executive and administrative powers and duties of the municipal corporation, rather than to allocate all, or a portion, of these powers and duties to the officers.

DISADVANTAGES OF COMMITTEES OF THE COUNCIL

28 The following are some of the reasons that are advanced to question the wisdom of and the need to appoint a committee or a system of committees of the council. The applicability of the comments in this section varies with the volume and the complexity of the municipality's affairs.

- (a) *The establishment of a series of standing administrative committees of the council to supervise the officers in the administration of the departments is time-consuming; and automatically allocates the better part of the time and energy of the councillors to matters of administrative detail, rather than the prime concerns of the municipal corporation, namely, the goals, objectives, priorities and policies of the corporation and matters of concern to the ratepayers, matters of public controversy, etc.*
- (b) *Many persons with training and experience will not accept a nomination for public office because of the allocation of time that is described in the previous clause — they do not wish to be buried in administrative details!*
- (c) The history of standing committees of the council with administrative responsibilities is that such committees (i) diffuse the power of the council, (ii) are difficult to co-ordinate, (iii) establish practices without consultation that interfere with the responsibilities of other committees and (iv) frustrate the co-ordination of the administrative affairs of the municipal corporation.
- (d) The establishment of administrative committees — "the committee system" — encourages councillors to retain direct control of the day-to-day administrative affairs of the corporation. The results of such a practice is that (i) a system of integrated administration at the officer level is not established; (ii) officers are encouraged to rely on councillors to make decisions for them — decisions which officers are paid to make; (iii) a CAO, with the authority to lead and co-ordinate the officers, is not appointed.

- (e) The committee system gives rise to (i) administrative laxness; (ii) an absence of supervision and of accountability of officers; (iii) low morale among officers and employees; and (iv) conflict between councillors and officers.
- (f) *The existence of a system of administrative committees because of the nature of councillor-officer relationships, discourages qualified persons from accepting an appointment with municipal corporations.*
- (g) It is, generally, agreed that the committee system gives rise to delay and is time-consuming, cumbersome and therefore costly. Discussions which take place at meetings of committees are repeated at meetings of the council – to the frustration and irritation of councillors, officers and the public.
- (h) In many municipalities which use the committee system, the duties of committees were determined years ago. The duties have never been changed – in spite of the fact that the work of departments has been altered, greatly. The result is that the system of departmental reporting through committees to council is extremely complicated.

THE USE OF COMMITTEES OF THE COUNCIL IN THE COUNCIL-CAO SYSTEM

29 The principles of the National Municipal League's Model Charter (the cornerstone of the council-manager system) provide that (a) the powers of the corporation be exercised **by all of the members of a council**, (b) the unity of the council be preserved, and (c) the co-ordination and direction of the COs be the responsibility of a full-time, trained and experienced, administrator, rather than of a series of committees of part-time councillors.

30 There are a few councils in Ontario that have studied very carefully the principles of the National Municipal League's model charter.

31 As the result of identifying and clarifying the powers, duties and role of the members of the council and of determining the duties and role of the CAO and the other officers; these councils have been able to discontinue the use of a series of standing administrative committees. As a matter of fact, one of these Ontario councils has been able to discontinue the use of the council-board of control system while, at least, several other councils have been able to prevent the establishment of the council-board of control system.

32 In council-CAO municipalities the regular "business" of the corporation that is to be presented, formally, to the council, is discussed and resolved, informally, in a meeting of a committee of the whole council. The informal meetings of the committee of the whole council, usually, are held prior to the formal, regular meetings of the council. The decisions of the committee of the whole, of a previous week frequently, form the basis of the agenda of the council, of a subsequent week.

33 The use of the committee of the whole council retains the unity of the council during the decision-making processes.

34 In the council-CAO system the statement of the duties of the CAO are discussed and debated by the council, at length; after which a carefully-prepared procedural by-law is enacted by the council. On the basis of the terms of the by-law, the duties of the CAO and, therefore, the duties of the councillors are clarified. The municipality's decision-making processes are improved, sharply.

35 The manner in which the councils of Ontario that have appointed a "CAO" use a committee of the whole council or a system of administrative committees of the council, is described and discussed in paragraphs 22 to 44 of the next chapter.

36 *The City of Windsor (population 200,000) is an illustration of a major city that, as the result of a thoughtful and careful study of the workings of the council and of the most effective use of the services of the officers, has discontinued the council-board of control system with its system of standing administrative committees. By the establishment of a committee of the whole council and a "systematic and co-ordinated system of administration at the officer*

level”, the council has been able to conduct all of its business in informal meetings of a committee of the whole council in combination with the regular formal meetings of the council.

THE USE OF COMMITTEES OF THE COUNCIL IN THE
COUNCIL-BOARD OF CONTROL-COMMITTEES-NO CAO SYSTEM
COUNCIL-CHAIRMAN-EXECUTIVE COMMITTEE-COMMITTEES-NO CAO SYSTEM

37 The prime feature of each of these systems is the establishment of two very different types of committee of the council; (a) the board of control or the executive committee and (b) a system of administrative committees. The powers and duties of the first type of committee are determined by statute, while the duties of the second type of committee are determined by the council.

38 The council-executive committee system is derived, directly, from the council-board of control system. The two systems, insofar as the workings of the committees are concerned, are essentially the same.

39 The establishment of a system of administrative committees of the council in each of these systems gives rise to the “extremely burdensome disadvantages” that are described in paragraph 28.

THE USE OF COMMITTEES OF THE COUNCIL IN THE COUNCIL-COMMISSIONER SYSTEM

40 One of the prime principles of Western Canada’s council-commissioner system is the appointment of a small number of policy committees of the council, with thoughtfully and carefully-prepared terms of reference, that parallel the functional and departmental structure of the municipal corporation.

41 The council does not delegate administrative powers or responsibilities to its policy committees; nor are the committees assigned the duty to supervise the officers of the corporation in the administration of the affairs of the departments.

42 *The time and energy of the members of the policy committees is allocated to the formulation and the revision of the policies of the council; the exchange of views with taxpayers, ratepayer associations, etc.; the exchange of ideas with the officers; etc.*

43 The council delegates its administrative powers to a board of officers – a board of administration – be exercised subject to the policies and the direction of the council and by the use of the principles of “management by exception”.

44 *This system of decision-making is designed to conserve the time and energy of the elected representatives, to allocate their time and energy to the municipal corporation’s prime problems and to establish, under the control of the council, an effective system of “co-ordinated and integrated administration at the officer level”.*

45 The use of policy committees of the council in the council-commissioner system is described and discussed in Chapter XIV, particularly in paragraphs 10 to 22 and 55 to 62.

46 *It is a finding of this Study that, in the interests of good local government, systems of administrative committees of the council should be abandoned! If, because of the range, number and complexity of the policies that must be established or revised by the council, the business of the council cannot be discussed and resolved by the use of a committee of the whole council, as discussed in this Chapter, a system of policy committees of the council should be established. The time and energy of the policy committees should be allocated to matters of policy and of representation – not to matters of administration.*

QUOTATION FROM ENGLAND’S
COMMITTEE ON THE MANAGEMENT OF LOCAL GOVERNMENT

47 The extremely thorough and thoughtful report of England’s famous Committee on the

Management of Local Government had much to say in the 3rd Chapter with regard to the weaknesses and disadvantages of “the committee system”.

48 Many of the Committee’s comments are applicable to the committee system as it has been developed in Ontario’s municipalities, particularly the larger municipalities.

49 Some of the opinions of the committee are as follows.

“The virtues of committees are, at present, outweighed by the failures and inadequacies of the committee system. The number of committees has grown with the addition of new services for which local authorities have been made responsible. The work of departments grows more complex, partly as a result of scientific and technological development, and partly because the scope of the services is extended through public demand and national policies. It becomes increasingly difficult for committees to supervise the the technical complexity of many of the problems. The system wastes time, results in delays and causes frustration by involving committees in matters of administrative detail.

The system does not encourage discrimination between major objectives and the means to attain them, and the chain of consequential decisions and action required.

We see the growth of business adding to the agenda of committees and squeezing out major issues which need time for consideration.

Members are misled into a belief that they are controlling and directing the authority when often they are only deliberating on things which are unimportant and taking decisions on matters which do not merit their attention.

The system involves the production of an increasing volume of paper which demands staff, is often wasteful of officers’ time, is expensive to produce, and which often overwhelms members.

It discourages delegation of responsibility to officers.

The committee system makes heavy demands on members’ time. It discourages the type of person from serving in local government who is prepared to give time to the consideration of major issues but who is not prepared to spend it on matters which specialist staff should deal with themselves.

The association of each service with a committee, and of a department and a principal officer with both, produces a loose confederation of disparate activities, disperses responsibility and scatters the taking of responsibility in the authority cannot be easily identified and co-ordination of thought and work is made more difficult.

In any local authority the responsibilities of members and officers require definition. We believe that the lack of a clear recognition of what can and should be done by officers, and of what should be reserved for decision by members, lies at the root of the difficulties in the internal organization of local authorities. Until members are prepared to change their attitudes towards their own functions and those of the officers, there is little prospect of any improvement in the effectiveness and efficiency of the organization.

The staff of a local authority is one of its principal resources: the misuse of officers by not allowing them to exercise their skills and abilities to the full is a waste of manpower and money and in our view may well deter able and qualified people from working for local authorities.

The system of local government administration has its roots in nineteenth century respect for democratic forms, and in the old tradition of direct and detailed responsibility of local leaders for local affairs. The system was suited to a time when the range of activities of a local authority was limited, when government involvement in the affairs of society was minimal and when, few professional staff were employed. Supervision by members was then not only possible, it was necessary.”

For purpose of illustration and clarity a chart of the organization of a typical “larger” municipality that uses the council-one or more committees-no CAO system is presented as Table A of this Chapter.

The Table contains, also, a summary of the main features of the system.

CONCLUSIONS

50 *In the interests of the public, the municipal corporations, the elected representatives and the officers, a system of administrative committees of the council, with the authority to supervise the officers and direct the administrative affairs of the municipal corporation, should not be appointed by the council of an Ontario municipality.*

51 *If, because of the range, number and complexity of the matters to be decided by a council, the council cannot conduct all of its business in regular meetings of the council, a committee of the whole council should be established to discuss and resolve, informally, the business of the council, prior to its submission to the formal meetings of the council.*

52 *If, because of the range, number and complexity of the policies that must be established or revised by the council, the business of the council cannot be discussed and resolved by the use of a committee of the whole council, a system of committees should be established; however, the time and energy of these committees should be allocated to matters of policy and representation but not to matters of administration.*

53 *The practice of the Ontario councils of establishing a system of administrative committees of the council would be eliminated, if all concerned had a clear understanding of, and recognized, "what should be reserved for decision by the members of the council and what can and should be done by the officers".*

54 *If the conclusions concerning the establishment and use of committees of the council are to be effective, it is essential that the councillors allocate many of their present administrative duties to a CAO and that the CAO be instructed by the council to establish, under the control and direction of the council, "a system of co-ordinated administration at the officer level".*

55 *The acceptance of the recommendation (a) of chapter III concerning the duties of the head of the council, the statutory statement that he is the chief executive officer of the municipal corporation, his election or selection and the appointment by the council of a CAO; (b) of chapter IV concerning the delegation of powers of the council; and (c) of chapter VII concerning the statements of the duties of the statutory officers, would contribute to an improvement of the decision-making processes of the larger municipalities of this Chapter.*

RECOMMENDATIONS

56 *The power of a council to establish a committee or committees of the council to study and report upon any matter that is within the powers and duties of the council, be recognized and be stated clearly in the Statutes.*

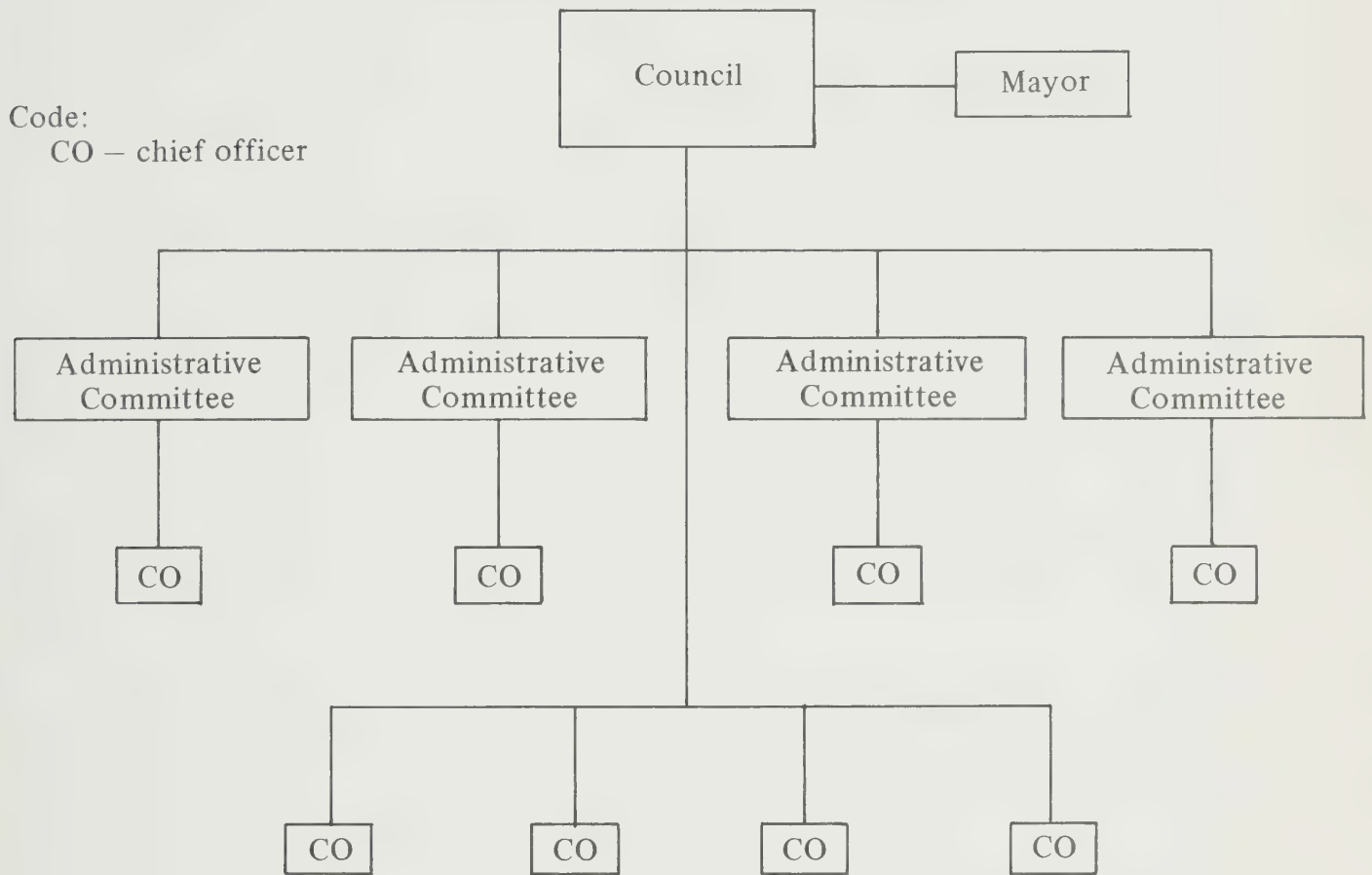
- 57 *TE&IA advise the municipal councils to re-establish the unity of the council by the*
- (a) dissolution of systems of administrative committees of the council and by the substitution therefor of*
 - (i) a policy committee of the whole council – in the great majority of the municipalities,*
 - (ii) a system of 2 or 3 policy committees of the whole council – in 8 to 10 of the large municipalities, and*
 - (iii) an executive policy committee of the council, in addition to a system of policy committees as described in (ii), – in the 3 to 5 largest municipalities, and*
 - (b) establishment of a system of co-ordinated administration at the officer level.*

58 *TE&IA establish a small section, the officers of which, by training and experience, are qualified to advise and assist the officers of the municipalities, including those of the largest of the municipalities, in the application of modern theories and practices to the municipal corporations' decision-making and administrative processes.*

59 *The councils be encouraged to engage the services of firms of management consultants to advise and assist the officers of the municipalities in the application of modern theories and practices to their decision-making and administrative processes.*

Table A

ONTARIO'S COUNCIL-ONE OR MORE COMMITTEES-NO CAO SYSTEM*
(450 odd municipalities)



Main features of the structure

- (a) the council is required to exercise the powers of the municipal corporation
- (b) the mayor is the head of the council; his powers are nominal
- (c) the unity of the council is not maintained in the larger of these municipalities; the council establishes a series of administrative committees to report and recommend to the council.
- (d) central management and co-ordination of the municipality's affairs is exercised, directly by the councillors
- (e) the efforts of the COs are not co-ordinated and directed by a trained and experienced CAO
- (f) the COs of the "staff" departments report to the council itself; the COs of the "line" departments report to one of the administrative committees; the system of officer reporting is confusing
- (g) co-ordination and direction of the COs is weak
- (h) the council is not authorized to delegate any of its powers

Notes:

- (1) the diagram illustrates lines of command (with the exception of the mayor)
- (2) many of the councils do not appoint committees (the population of the great majority is less than 3,000)

* the chart illustrates the organization of the larger of the municipalities in this group.

CHAPTER IX

**Ontario's
Council-No or Very Few
Committees-A CAO System**

INTRODUCTION

1 This Chapter deals with the 3rd of the 5 systems of municipal government decision-making in Ontario.

2 The municipalities that are discussed in this Chapter have one common characteristic, namely, the council of each municipality has appointed an officer who, according to the 1970 Municipal Directory, was the chief administrative officer (CAO) of a municipal corporation.

3 Throughout the Report, the abbreviation "CAO" is used for the term chief administrative officer and the abbreviation "CO" is used for the terms chief officer or head of department.

4 The Chapter commences by outlining the history of the law of Ontario with regard to the CAO. The Chapter proceeds to describe the duties of the members of the council and the officers including the CAO, in two separate and distinct circumstances, namely (a) where the members of the council elect to retain and to exercise the administrative duties of the municipal corporation and (b) where the members elect to assign these duties to a CAO and the COs.

5 A Model By-law to Establish the Office of CAO was prepared as a contribution to the development of a high standard of council-CAO systems in Ontario. The Model By-law is included in this Chapter. For purposes of reference, a system that incorporates principles and practices, similar to those that are described in the Model By-law, is referred to in the Report as the "Ontario council-CAO system".

6 The distinguishing features of the Ontario Council-CAO system are described and are compared to the distinguishing features of America's council-manager system.

7 The extent of the acceptance of the system by Ontario's councils and the reasons for the non-acceptance, and the acceptance, of the system are identified.

8 A note on the general practice of appointing a CAO in the private sector and the public sector is included.

9 The Chapter concludes with a few brief remarks on the availability of trained and experienced CAOs in Ontario.

10 Conclusions are drawn. Recommendations are made.

ONTARIO'S LAW CONCERNING THE CAO

11 Prior to the fall of '70, The Municipal Act did not authorize a municipality to appoint a CAO.

12 However, before that time, 7 cities had sought and secured private legislation to authorize the appointment of a CAO.

13 The first such legislation was secured by the City of Chatham in '21. The legislation reads, in part, as follows: "*council is authorized to appoint a general administrative head, to be known as the "city manager", who shall have such general control and management of the administration of the city's government and affairs and perform such duties as the council shall, by by-law, define, limit and determine and he shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over the same*".

14 Identical legislation was secured by Niagara Falls in '22 and Windsor in '29. Oshawa secured identical legislation in '34, except that the officer's title was to be "city administrator".

15 Sarnia secured legislation in '51 that was almost the same as that of Chatham but the legislation was drafted in a different style – essentially, the style that was to be written into The Municipal Act in '70.

16 London secured authority, in '53, to submit the appointment of "a salaried general administrative head to be known as the 'city manager' to the electors".

17 The City of Windsor, for reasons that were not pursued, sought and secured, in '57, legislation that is almost identical to legislation that the City secured in '29.

18 The Act that established the City of the Lakehead in '69 provides for the appointment of a "general administrative head" (the term used by Chatham in '21), while the Acts that established the Regional Municipalities of Niagara and York and the District Municipality of Muskoka provide for the appointment of a "chief administrative officer".

19 In late '70, section 214a was added to The Municipal Act. The section reads as follows:

"The council may by by-law appoint a chief administrative officer, who

- (a) shall have such general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the council by by-law prescribes; and*
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law"*

20 The preceding section of The Municipal Act and the sections of the Lakehead, Niagara, York and Muskoka acts concerning the chief administrative officer use the language of Chatham's legislation of '21, verbatim, with the exception of the substitution of the term "chief administrative officer" for the term "city manager".

21 Most of the Ontario councils that have appointed a CAO were required to use, as their authority, subsection 58 of section 377 in The Municipal Act. The subsection authorizes all councils to pass by-laws "*for appointing such officers and servants as may be necessary for the purposes of the corporation, or for carrying into effect the provision of any act of the Legislature or by-law of the council—*".

THE SYSTEM WHERE COUNCILLORS RETAIN THE ADMINISTRATIVE DUTIES

22 Most of the councils in Ontario that have established the office of CAO, and that have appointed a CAO, have continued to retain many of the administrative duties of the municipality and have continued to assign these administrative duties to one of the administrative committees of the council.

23 Under the system, administrative committees of the council are retained and each committee, as usual, is assigned the responsibility of supervising the CO of one or more departments. Each of the committees maintains a close supervision of the day-to-day affairs of one or more of the departments, including all aspects of the services that are provided to the public. The chairman of an administrative committee is, in practice, the CO of the department. The chairman may allocate all or a portion of his responsibilities to the CO of the department. In some of the municipalities, the chairman may allocate all or a portion of his responsibilities to the CAO.

24 Under the system the bulk of the time and energy of the councillors continues to be allocated to matters of administration. Administration – it is ever present – comes first! Policy, representation, etc., come second!

25 The councillors retain many of the duties that are assigned to the CAO under the "Ontario-council-CAO system". The councillors do not take full advantage of the training, experience and availability of the CAO in order to assign administrative duties to him.

26 The CAO is considered to be an advisor and a staff assistant to the council, its committees and its chairmen. The CAO is expected to be available to the councillors to undertake specific staff assignments, as requested.

27 The lines of responsibility, and accountability, are not clearly defined. The CAO is responsible to the council. The COs are responsible to the committees of the council. In some cases, some of the COs are responsible to the CAO. The co-ordination and direction of the COs, in many cases, is not at a high standard.

28 The success of the system depends upon the administrative abilities of the chairmen, the availability of the chairmen's time to the COs and the relationships between the chairmen, the CAO and the COs.

28 The prime weakness of the system is that the councils that have appointed a CAO have not taken advantage of the CAO to establish a system of integrated administration at the officer level. The following is a commentary on the committee system that appeared in a Report by Stevenson & Kellogg Ltd., Management Consultants to one of Ontario's cities.

"The council-committee system is not capable of distinguishing between the exception and the routine, between the important and the trivial! When the council must deal through a dozen committees and with almost as many department heads, the possibilities for confusion, duplication of discussions and decisions, protracted delays, lack of co-ordination, loss of control and sheer wasted effort are substantial!"

The council-committee system does not provide the means to co-ordinate the efforts of the councillors and the officers, to use the time of officers and staff efficiently.

The system becomes government by the committees; not government by the council!

The development of policy and the establishment of objectives and priorities suffer greatly because the councillors are required to spend too much time, in too many meetings, on day-to-day administrative detail.

The system requires that councillors assume many of the functions and duties of the administrative officers.

Able citizens do not offer their services to the community because of the heavy demand, in time, of the office of councillor."

THE SYSTEM WHERE COUNCILLORS ASSIGN ADMINISTRATIVE DUTIES TO A CAO

30 A few of the Ontario councils have abandoned administrative committees of the council and have adopted the committee of the whole council as the forum for the discussion and the resolution of the business of the council and have appointed a CAO to lead, co-ordinate and direct the COs in the establishment and maintenance of a system of integrated administration at the officer level, subject to the policies and directions of the council.

31 The councils that have established a committee of the whole council and have appointed a CAO and use the services of the committee and the CAO effectively

- (a) maintain the unity of the council during all of the decision-making processes,
- (b) discuss and resolve the business of the council, informally, in a committee of the whole council (Depending upon the volume of the council's business, the council usually meets informally as a committee of the whole council, one week; and, formally, as the council, the subsequent week.),
- (c) take full advantage of the availability of a CAO and assign to the CAO the responsibility to lead, co-ordinate and direct the COs and to establish, with the assistance of the COs, a system of integrated administration at the officer level, and
- (d) are free to allocate the bulk of the councillors' time to the prime concerns of the corporation and the public, namely, goals, objectives, priorities, policies, representation, public debate, conciliation, etc.

32 Councils that (a) discontinue the use of administrative committees of the council, (b) establish a committee of the whole council, (c) appoint a CAO of the corporation, (d) discuss and resolve the business of the council, informally, in a committee of the whole council and (e)

use the services of the committee and the CAO with care and skill, in the opinion of this Study, are making effective use of the time of the councillors, the CAO and the COs.

BY-LAWS TO ESTABLISH THE OFFICE OF CAO

33 According to the 1970 Municipal Directory, there were 50 “CAOs” in Ontario.

34 What is the nature of the duties and responsibilities that have been assigned by the councils to these CAOs?

35 The by-laws that established these offices were secured and examined. The examination disclosed that,

- (a) there is a great variety in the duties that are assigned to the CAOs,
- (b) as indicated in the previous section, the majority of the councils have retained a system of committees of the council to supervise the COs and to carry out the administrative duties of the departments,
- (c) 50% of the “CAOs” retain the duties of the second office of the corporation, i.e. clerk, treasurer, clerk-treasurer, engineer, and
- (d) the majority of the by-laws are drafted on the basis of legal relationships, rather than on the basis of management and administrative principles and practices.

36 The by-laws that are legalistic in nature are based upon the City of Chatham’s private Act of ’21. These by-laws emphasize the legal relationships between the CAO and the councillors and the COs.

37 The by-laws that are based upon principles and practices emphasize the effective use of a committee of the whole council, the role of the councillors and the CAO in the decision-making processes, the CAO as the assistant and the advisor of the council, the CAO’s duties to co-ordinate, lead and direct the COs in the preparation of proposed policies and plans and in the administration of the corporation, in accordance with the policies and directions of the council.

38 The by-laws of the cities of Windsor, Guelph and Sault Ste. Marie are examples of by-laws that are based upon management and administrative principles and practices.

MODEL BY-LAW TO ESTABLISH THE OFFICE OF CAO

41 If the Ontario council-CAO system is to be effective, the by-laws that establish the office of CAO and that describe the duties of the CAO should be prepared in a thorough and a careful manner and should conform to modern administrative theory and practice.

42 As a contribution to the development of an Ontario council-CAO system that is based upon sound principles and practices, a Model By-law to Establish the Office of Chief Administrative Officer of a municipal corporation was prepared during this Study. A considerable amount of time was allocated to the preparation of the Model By-law because the acceptance of a uniform by-law by the councils would contribute immensely to the development of a sound system in Ontario. A recommendation with regard to the Model By-law is made in paragraph 134 of this Chapter.

43 The draft Model By-law attempts to improve and to strengthen the by-laws that were examined by,

- (a) including in the CAO’s duties, the duty to ensure that the council’s policies are implemented and that the council’s needs for information are met,
- (b) strengthening the standards of the reports of the CAO and the COs to the council,
- (c) emphasizing the CAO’s role as the leader and the co-ordinator of the COs,
- (d) making significant references to the CAO’s relationships to, and dependence upon, the COs, and
- (e) improving the logic and the order of the clauses of the by-law.

44 The draft Model By-law reads as follows:

A BY-LAW TO ESTABLISH THE OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The Council of the Corporation of the of..... pursuant to section 214a of The Municipal Act, enacts as follows.

There is hereby established the position of chief administrative officer of the municipality who shall be responsible to the council.

Subject to the provisions of The Municipal Act and any other Statute, the duties and responsibilities of the chief administrative officer shall be to

- (a) co-ordinate, lead and direct the chief officers in the administration of the municipality, in accordance with the policies and plans approved and established by the council;
- (b) co-ordinate and direct the chief officers in the preparation of plans and programs to be submitted to the council for the construction, maintenance, development and improvement of civic properties, facilities and services;
- (c) co-ordinate, direct and broadly supervise the implementation of the policies of the council and deal with any matter, including complaints from citizens arising therefrom, in accordance with the policies of the council, with the assistance of the officers, without further reference to the council and subject to reporting regularly to the council, upon actions taken;
- (d) codify the policies of the council and ensure that information and reports that are requested by the council or that, in the chief administrative officer's opinion, could be of assistance to the council are obtained or prepared and submitted to the council;
- (e) review the municipality's organization and departmental structure regularly and recommend any changes that would, in the CAO's opinion, improve the effectiveness or the efficiency of the structure;
- (f) compile, consider, prepare and present to the council, for adoption, recommendations of the chief officers arising from departmental operations and, with the advice and assistance of the officers, propose by-laws and resolutions to give effect to such recommendations as are adopted by the council;
- (g) direct the presentation, at least quarterly, to the council, of a report, including a statement of the revenues and expenditures and the work-in-progress, with a comparison with the estimates and the five-year capital budget; a statement of the progress of each project; a statement with regard to the exercise of administrative and financial direction and control of the affairs of the municipality and any matter that, in the chief administrative officer's opinion, should be reported to the council;
- (h) recommend to the council the appointment, employment, suspension or dismissal of departmental heads;
- (i) subject to the preceding clause and to the complement, earnings, fringe benefits and working conditions, as approved by the council, appoint, employ, suspend or dismiss any employee who is not covered by a collective bargaining agreement, subject to the right of such employee to appeal to the council in respect of such suspension or dismissal;
- (j) appoint and employ persons as employees in accordance with procedures provided in the applicable collective bargaining agreement, and suspend or dismiss any such employee for cause;
- (k) supervise all officers and employees in the performance of their duties;
- (l) meet with the chief officers, regularly, for discussion of matters of policy approved by the council and for co-ordination of all departmental activities;
- (m) direct the exercise of a general financial control of all civic departments, with the assistance of the chief finance officer, including the preparation of, the presentation to the council of, the annual estimates of revenues and expenditures and the five-year capital budget and the subsequent administration and control of the municipality's affairs according to the estimates and the budget, as approved by the Council;
- (n) direct the submission of all accounts in statement form to the council for approval before payment is made;

- (o) direct the control of all civic purchasing; and the sale of all assets; and, for and in the name of the Corporation, enter into any contract of routine occurrence involving an expenditure not exceeding \$2,500 for which provision has been made in the estimates for the current year;
- (p) direct collective bargaining with all employees; recommend to the council agreements concerning wages, salaries, fringe benefits and working conditions and, upon approval by council, direct the administration of such agreements and, in general, be responsible for wage and salary administration, subject to normal grievance procedures;
- (q) attend all council meetings with the right to speak, subject to the consent of the presiding officer, but not to vote thereat;
- (r) without limiting the foregoing, exercise any other power from time to time lawfully granted to him by the council.

Notwithstanding anything herein contained, this by-law shall not be deemed to empower the chief administrative officer, in any way whatsoever, to exercise or encroach upon the powers of the Council.

DISTINGUISHING FEATURES OF ONTARIO'S COUNCIL-CAO SYSTEM

45 What are the features that distinguish or identify the Ontario council-CAO system as outlined in the draft Model By-law?

46 The prime feature of the system is *a recognition on the part of the councillors (the public, unfortunately, is interested and informed to a very minor degree) that, in the interests of good local government, the time and energy of the councillors and the time and energy of the employees of the municipal corporation must be used intelligently and in accordance with the principles of modern management and administration.*

47 From this recognition, comes an acceptance on the part of the councillors of *the need to develop a system of decision-making that permits the councillors to allocate the bulk of their time and energy to the prime concerns of the municipal corporation*, namely, to the determination of the goals, objectives, priorities and policies of the corporation and to matters of representation, public controversy, etc.

48 From this acceptance, comes the decision of the councillors *to free themselves for the prime concerns of the municipal corporation by the appointment of a trained and experienced CAO and to allocate to him the duty to*

- (a) advise and assist the councillors,
- (b) co-ordinate, on behalf of the council, the administrative affairs of the corporation, and
- (c) lead and direct the COs in the administration of the municipal corporation, in accordance with the policies and direction of the council.

49 In order to facilitate the business of the council, and to re-establish the unity of the council, the decision is taken to *abandon any administrative committee or committees of the council and to establish a committee of the whole council* in order to discuss and to resolve all of the business of the council.

50 One of the system's distinguishing features is *a procedure by-law, that has been carefully and thoughtfully prepared in accordance with the theories and practices of modern management and administration*, and describes, clearly, the duties of the council, the CAO and the COs — in the exercise of the municipal corporation's legislative, executive and administrative powers. (Each of the persons concerned, under the terms of the procedure by-law, is aware of his duties and the duties of others! Misunderstandings that arise from a vague or a non-existent procedure by-law are avoided.)

51 Another feature of the system is *the preparation by the COs, under the direction of the CAO, of well and carefully-researched studies, estimates, plans or reports, hopefully before an item becomes a public issue and certainly before an item is presented to the council for*

discussion and a decision. Such a practice not only saves much of the time of all concerned but improves the quality of the decisions that are made. The system is future-oriented and attempts to anticipate problems before they arise!

52 Another feature of the system is *the administration*, by the CAO and the COs, of the administrative affairs of the corporation according to the principles of “management by exception” i.e. *if a matter that comes before an officer can be dealt with within the policies of the council, the matter is disposed of by the officer; if the matter is not within the policies of the council, the matter is referred by the CAO, with a report of the CO involved, to the council for a decision.* By the effective and intelligent use of this well-known decision-making principle, the officers are in a position to (a) deal with a great many matters that otherwise would be presented to the council for discussion and a decision and, thereby, (b) increase greatly the time of the councillors that is available for the prime concerns of the municipal corporation.

53 Finally, the system recognizes *the role of the COs as significant and respected.* The COs’ recommendations, with the CAO’s comments, are presented directly to the council. The COs must stand on their own feet and defend their recommendations to the council! Subject to the policies of the council, the COs are responsible, and accountable, to the CAO for the administration of the departments. Since the CAO is a trained, experienced and full-time administrator, he is in a much better position to establish the accountability of the COs and to appraise their performance than is the part-time chairmen of the administrative committees of the council who usually come and go with regularity.

COMPARISON BETWEEN ONTARIO’S COUNCIL-CAO AND AMERICA’S COUNCIL-MANAGER

54 This section compares America’s council-manager system – the cornerstone of which is the terms of the National Municipal League’s famous Model Charter with its “preferred” and “alternative” principles – and the system of decision-making that is described in the earlier sections of this Chapter and that is referred to in this Report as Ontario’s council–CAO system.

The League’s preferred principle No. 1

The ultimate power and authority of the municipality is vested in a small council (5 to 9 members).

55 The law with regard to Ontario’s council-CAO municipalities corresponds to this principle, except that the local governmental powers are shared by the councils and by a large number of local boards.

The League’s preferred principle No. 2

The members of the council are elected at large.

The League’s acceptable alternative

The members of the council are elected by a combination of election at large and election by ward.

56 The laws with regard to the Ontario council-CAO municipalities does not correspond to this principle. If the municipality is a town, village, or township, the councillors may be elected either at large or by ward; while if the municipality is a city, the councillors must be elected by ward. A municipality is not authorized to elect the councillors by a combination of election at large and election by ward, except in the case of a board of control municipality, where the mayor and controllers are elected at large and the other members of the council are elected by ward.

57 The following is a summary of the practices of the municipalities, generally speaking, with regard to the election of councillors. If the population is

- (a) less than 20,000 – election by ward is unusual,
- (b) between 20,000 and 100,000 – election by ward is almost 50 percent while,
- (c) 100,000 or more – election by ward is almost 100 percent.

However, the councillors of, at least, one of the largest of the cities are elected at large under the terms of a private Act.

The League's preferred principle No. 3

The "short ballot" principle is followed.

58 The law with regard to the Ontario council-CAO municipalities corresponds to this principle, except that the electors in Ontario are required to elect the members of more local boards than is the case in America's council-manager municipalities.

The League's preferred principle No. 4

The mayor is appointed by the councillors from among its members.

The League's acceptable alternative

The mayor is elected by the electors.

59 The law with regard to Ontario's council-CAO municipalities corresponds to the acceptable alternative – the head of the council of the local municipalities is separately elected by the electors – the option of appointment by the councillors is not available.

The League's preferred principle No. 5

A manager is appointed by the council to carry out the council's policies and to act as the council's agent in the administration of the municipality's affairs.

60 The Ontario council-CAO system was derived from America's council manager system and, to the extent that the law permits, reflects the basic philosophies of the system from which it is derived. The prime differences are as follows.

- (a) Much of the administrative powers of the American local government corporation are delegated by the council, or assigned under the terms of a charter, to the manager – to be exercised by the manager, subject to the policies and the directions of the council. Ontario's councils may not delegate the powers of the municipal corporation and, therefore, the authority of the Ontario-CAO is to recommend, to report, to assist and to carry out the specific assignments of the council.
- (b) The American manager is projected as a manager in the private sector's use of the term and, therefore, as a strong manager with the authority to manage. The Ontario CAO, in the most "progressive" municipalities, is projected as the council's chief advisor, a co-ordinator, a leader of the COs and an administrator.
- (c) The mayor of the great majority of the American council-manager municipalities is appointed by the council from among its members, is the head of the council and a leader of the community, but is not granted any administrative power or authority – such powers and authority are granted to, the manager. The role of the mayor in an Ontario council-CAO municipality, because the statutory statement of his duties is not clear and is confusing, may conflict with the role of the CAO! This subject is discussed in Chapter III.

The League's preferred principle No. 6

The council determines policy and does not become involved in administration

61 This principle is one of the hallmarks of the American system! The councillors under the system are not burdened with the corporation's administrative duties – these duties are granted to, or delegated to, the manager – to be exercised by him under the direction of the council.

62 In Ontario's most "progressive" council-CAO municipalities, the councillors are guided by the philosophy of the preceding paragraph. The Draft Model By-law in paragraph 44 is a reflection of the thinking of the councillors of these municipalities.

63 However, such councillors are the exception and they are very much in the minority.

64 The great majority of the councils of the larger municipalities, including the great

majority of those that have established the office of “CAO”, have not assigned responsibility for the administration of the corporation’s administrative affairs to the CAO or to the COs, but have retained “the committee system” and have continued to supervise the officers and to direct the day-to-day administrative affairs of the corporation.

ACCEPTANCE OF ONTARIO’S COUNCIL-CAO SYSTEM

65 The following is an analysis, by population, of the Ontario local municipalities that have established the office of CAO according to DMA’s 1 970 Municipal Directory.

Population	Number of municipalities	Chief Administrative Officer	
		number	percentage column 3 of 2
(1)	(2)	(3)	(4)
1— 5,000	741	7	1%
5,001— 10,000	88	7	8
10,001— 25,000	43	14	33
25,001—100,000	47	18	38
100,001—or more	27	4	15
	946	50	
	===	===	

The analysis discloses that the system has found most favour with the councils of municipalities in the population ranges 25,001 to 100,000 and 10,001 to 25,000.

66 Most of the incumbents of the office of CAO occupy two offices of the corporation. The following is an analysis of the second office that is held by the CAO – for the municipalities in the last three population ranges in the previous paragraph.

	Population			Total
	10-25	25-100	'000s 100 or more	
CAO only	4	10	4	18
CAO and also clerk	3	7		10
CAO and also treasurer	2	1		3
CAO and also clerk-treasurer	3			3
CAO and also engineer	2			2
	14	18	4	36
	===	===	===	===

67 The feasibility of an officer, even a trained and experienced officer, assuming the duties of the CAO of a large municipal corporation and also the duties of the clerk, treasurer, clerk-treasurer or engineer, is questionable indeed! It must be concluded that, of the “CAOs” included in the Municipal Directory, either the council has not imposed the usual duties of a CAO on these CAOs or, if the council has done so, the incumbents are performing the duties of a CAO but they are not performing all of the regular duties of the second office.

68 Experience indicates that, in these circumstances, the office of CAO – the staff officer – will usually be compromised in favour of the second office.

69 The following is an indication of the titles that have been assigned by the councils to the 50 municipal officers that are listed as a CAO in the Municipal Directory.

<u>Title as CAO</u>	<u>Number</u>	<u>Title as CAO</u>	<u>Number</u>
Manager	9	Comptroller	3
Administrator	34	Other	1
Co-ordinator	3		

70 How does the acceptance of the Ontario council-CAO system compare with the acceptance of America’s council-manager system? The United States’ figures are extracted from reports of the International City Management Association.

	<u>Ontario</u>	<u>United States</u>
(a) Number of the municipalities which have established the systems as a percentage of the municipalities with a population in excess of 5,000	18%	55%
(b) Total population of the municipalities which have established the systems as a percentage of the total population	22%	40%

71 With several exceptions, the Ontario Council-CAO municipalities established their systems subsequent to ’50 – the majority of them having done so subsequent to ’60.

72 As at January 1, 1969 the Directory of the International City Management Association listed only 13 Ontario municipalities as a municipality with a “council-manager plan” that met the criteria of the Association, i.e. the CAO of which was a member of the association. The Directory lists 66 such municipalities in Quebec. Quebec’s acceptance of the council-manager system is discussed in chapter XII.

REASONS FOR THE NON-ACCEPTANCE OF THE SYSTEM

National Municipal League does not function in Ontario

73 A non-partism association, such as the United States’ National Municipal League, which is “dedicated to the proposition that informed, competent citizens, participating fully in public affairs in their own communities, are the key to good local, state and national government”, does not exist in Canada. Perhaps the major contribution of the league to local government has been the development of standards for, and the active promotion of, the council-manager system!

74 Some of the foremost public figures in the United States (future presidents, governors, industrialists, professional persons) have been a part of the contributions that the league has made, and continues to make, to the development of modern and progressive local governments. The president of the league, at the time of writing, for instance, is William W. Scranton, a former governor of the State of Pennsylvania and an outstanding Republican leader!

International City Management Association does not function in Ontario

75 The American managers have participated actively in the education and professional development programs of the International City Management Association. They possess the knowledge and experience required to cope with modern urban problems. Their standing and acceptance in the local communities is very high indeed.

76 Although Ontarians are eligible for membership in the Association and are invited to participate in its programs, very few municipal officers from Ontario participate. According to the Association’s 1969 Directory, there were 7 members and 3 associate members from Ontario

– a much lower rate of participation than is the case in Quebec, where 2/3rds, or 53, of the cities and towns of the province with a population in excess of 10,000 have established the council-manager system.

No provision for the exercise of local initiative in Ontario

77 Local initiative with regard to the establishment of the council-manager system in the United States was, and is, possible because of the existence of the right of “home rule” in many of the states. Home rule grants on the people of a local community the power to establish a charter (subject to any limitation that may be imposed by the state) the terms of which provide the powers and duties of the local municipal corporation, the members of the council and the officers.

78 Home rule procedures are extremely “democratic”! Usually, the public participates in the proceedings to a relatively high degree. Under the procedures a group of people is chosen formally to draft the charter, to hold public hearings, to consult experts and others (one of the prime sources of advice is the National Municipal League) and, finally, to draft a charter that is submitted to the electors. If the draft charter is accepted, its terms become binding on all concerned. Such proceedings result in a relatively high level of public knowledge and acceptability of the local system of decision-making.

79 In Ontario there is no provision in the law, of course, for the local communities to participate in the determination of the principles that are to govern decision-making in the municipalities. There is no provision for local initiative! There are no latent local powers! If initiative is to be exercised, the initiative must be exercised by the Province of Ontario (Ministry of Treasury, Economics and Intergovernmental Affairs)!

Council-manager literature

80 In an endeavour to overcome the weaknesses of the council-weak mayor system, the publications of the National Municipal League and the International City Management Association unwittingly tend to underemphasize the ultimate power and control of the council and to overemphasize the significance of the delegation of administrative powers to the manager, to over-simplify the councillor-officer relationships; to look on these relationships as a “separation of powers” relationship.

81 The literature tends to emphasize the manager’s role as a “manager”, in the private sector’s use of the term; rather than as an administrator, as the council’s advisor and assistant, and as the co-ordinator and leader of the COs in the administration of the corporation, according to the policies and the direction of the council.

82 It is reasonable to assume that the development of the chief administrative officer in California (as discussed in chapter XIX) is a reaction, in part at least, to the over-emphasis of the powers and duties of the manager in this literature!

83 *It is essential that council-manager literature emphasize that, the duties of the councillors and the duties of the CAO and COs be stated clearly in order that each person who plays a direct role in the decision-making processes is aware of his role and the role of the others who have a part to play in these processes.*

84 *On the other hand, it is equally essential, that the literature emphasize that effective local government cannot be built exclusively on a legal statement of powers and duties! The councillors and the CAO can function properly only if their relationships are co-operative, helpful, understanding and only if the councillors, the CAO and the COs operate as a team – with common goals and objectives!*

85 The impact of the literature has been so strong that, in England, for instance, the American manager is referred to a “the all-powerful boss”. Obviously, this is an extreme reaction and reflects the custom of the councillors of the English local authorities to retain the administrative powers of the local authority and to exercise these powers by means of a system

of administrative committees of the council – “the committee system”. However, as is pointed out in chapter XV, the principles of the American council-manager system have, in recent years, influenced decision-making in England’s local authorities; i.e. the role of the administrative committees of the council are being re-directed, CAOs are being appointed and the administrative powers of the local authorities are being delegated, increasingly, to the COs.

86 It is reasonable to assume that the impact, in Ontario of the American council-manager literature has been similar to its impact in England, and for similar reasons. The councils of the majority of Ontario larger municipalities have also retained the administrative powers of the corporation and continue to exercise these powers by means of a system of administrative committees of the council.

87 *However, except in the case of the members of a relatively few Ontario councils, the Ontario councillors have not studied and discussed thoroughly and objectively, with the assistance of trained and experienced persons, the principles of the council-manager system, the literature of the league and the association and, of more significance, they have not studied the principles of the system which, in this Report, is called the “Ontario Council-CAO system”.*

Confusion between the duties of the head of the council and the CAO

88 Another reason for the non-establishment of the Ontario council-CAO system is the confusion and the misunderstanding that arises from

- (a) the statement in section 210 of The Municipal Act that the warden, reeve or mayor is “the chief executive officer of the corporation”, and
- (b) the statement in section 211 of the Act that includes in the duties of the head of the council the duty “to oversee the . . . officers”.

The confusion is increased by the terms of the recently-enacted section 214a of the Act which authorizes the council to appoint a CAO and to assign to him duties that are assigned by the terms of section 211 of the Act to the head of the council.

89 As a result of this confusion in the act,

- (a) the heads of the councils are encouraged to become immersed in the day-to-day administrative affairs of the municipal corporation rather than in its prime concerns,
- (b) the CAO, where one is appointed by the council, hesitates to attempt to co-ordinate and to lead the COs, and
- (c) trained and experienced administrators do not tend to look to local government for employment.

Office of the clerk-treasurer

90 The decision of the great majority of the councils of the smaller Ontario municipalities (90% of the 829 municipalities with a population of less than 10,000) to combine the office and, of course, the staff, of the clerk and the treasurer has, perhaps, reduced the need, in the smaller municipalities, for a CAO with the authority to advise and assist the councillors, to co-ordinate the administrative affairs of the corporation; and to lead the other officers and employees.

91 However, even in the case of the smaller municipalities, the duties of the clerk-treasurer are rarely stated clearly; and the clerk-treasurer’s authority to co-ordinate and to lead is rarely stated in a procedure by-law of the council. Frequently, the clerk-treasurer is in no position to perform the role that is expected of a CAO and, therefore, the councillors and the COs do not receive the benefit of an effective CAO.

92 Insofar as the majority of the larger Ontario municipalities are concerned (74 percent of the 27 municipalities with a population in excess of 100,000), the council has neither combined the office of the clerk and the treasurer nor has the council appointed a CAO!

Role of DMA

93 Finally, in attempting to explain the non-establishment of the council-CAO system in Ontario, there is the role of DMA.

94 Although Ontario's first private legislation concerning the CAO was enacted 50 years ago, Ontario councils were not authorized to appoint a CAO, under the terms of general legislation, until late in '70. In '57, when the City of Windsor presented a bill to the Legislature to authorize the council to appoint a city manager (the terms of the bill were identical to the terms of the '21 bill of the City of Chatham) the bill was not supported by DMA.

95 The Ontario Municipal Administrators' Association has been requesting of DMA legislation with regard to the office of CAO have done so,

96 The Ontario municipalities that have appointed a CAO have done so without the leadership and the encouragement of DMA, pursuant to subsection 58 of section 377 of The Municipal Act which authorizes the councils of all municipalities to pass by-laws "for appointing such officers and servants as may be necessary for the purposes of the corporation".

97 However, the public acts that established the City of the Lakehead in '69 and the Regional Municipalities of Niagara and York and the District Municipality of Muskoka in '69 and '70 authorized, on an optional basis, the appointment by the council of a 'chief administrative officer'.

REASONS FOR THE ACCEPTANCE OF THE SYSTEM

Example of council-manager system

98 The prime factor in the development of Ontario's council-CAO system has been the establishment of the council-manager system in thousands of local governments, the majority of the larger governments, in the United States and the acceptance of the system by the public, the elected representatives and the officers of the communities in which the system has been adopted!

99 The literature concerning the system is voluminous and impressive! The majority of the books and other material concerning the system has been published by the National Municipal League and the International City Management Association. However, a wide range of experienced administrators and professors of public administration have written numerous practical articles on many of the aspects of the system.

100 The publications of the League with regard to the system are concerned primarily with the principles of the decision-making processes; while the publications of the Association are concerned primarily with the principles and practices of modern local government management and administration. The publications are first rate and are highly respected!

101 It is reasonable to assume that the persons who allocated their time and energy to the development of the Ontario council-CAO system were influenced by the experiences of their American friends and the literature of the league, the association and others.

102 Ontario's municipal officials come into contact continuously with the experiences of Americans at a wide range of municipal conferences. Mayors, councillors and officers (CAOs and COs) from council-manager communities contribute prominently to these conferences. Frequently, they are highly-qualified and knowledgeable and are impressive municipal leaders and strong advocates of the council-manager system!

103 The dialogue that has taken place between Americans and Ontarians at these conferences has undoubtedly increased the personal commitment of Ontario mayors, councillors and officers to work for the establishment of a system of decision-making in their municipalities that incorporates the basic principles of the council-manager system.

Advice of Management Consultants

104 A number of the councils that have established a form of the Ontario council-CAO system did so as the result of engaging the services of a firm of management consultants to study and report to the council on the manner in which the business of the council and the municipal corporation was being conducted and of accepting the recommendations of the firm.

Recommendation of the Chamber of Commerce

105 The Ontario Chamber of Commerce has advocated the establishment of the council-CAO system for many years. One of the resolutions of the Chamber on the topic reads as follows: *“that legislation be enacted for the council-chief administrative officer system of government, such legislation to define,*

- (a) *the responsibilities of the chief administrator to the council,*
- (b) *the chief administrator’s duties, and*
- (c) *the responsibilities of the appointed officials to the chief administrator”.*

Members of local Chambers have contributed, significantly, to the establishment of a form of the system in a number of Ontario municipalities.

Assistance of the Ontario Municipal Administrators’ Association

106 An association of Ontario CAOs has been established. For obvious reasons, the association has relatively few members. Some of the members are highly-qualified. They have been of great assistance to elected representatives and officers of other municipalities in the study of the pros and cons of the system and of the desirability of establishing the system. These men have contributed much to an understanding of, and an acceptance of, the system in Ontario.

Alternative to the council-board of control-committees-no CAO system

107 As is discussed in the next chapter, many of the councils that are required to, or are authorized to, establish the council-board of control-committees-no CAO system have elected not to do so.

108 *Sixteen of the 25 Ontario councils that are required or are authorized to establish a board of control, or 64% of them, have obtained approval to reject the board! Thirteen of these 16 councils have elected to establish a form of the council-CAO system.*

109 Most of these councils, as the result of study and discussion, have adopted a form of Ontario’s council-CAO system. For instance, Kitchener, St. Catharines, Windsor, Cornwall, Guelph, Kingston, Niagara Falls, Oakville, Peterborough, Sarnia, Sault Ste. Marie and Mississauga have adopted a form of the system.

110 The reasons for the acceptance of the council-CAO system and the rejection of the council-board of control-committees-no CAO system are identified and discussed in the next chapter.

THE CAO IN ENTERPRISES, ORGANIZATIONS AND GOVERNMENTS

111 The appointment of a person who is responsible to the policy-making body of an enterprise, an organization or a government for the co-ordination and direction of the administrative affairs is almost a universal practice.

112 The appointment of such a person is certainly the practice in the private sector. For the reasons described in chapter III, such a person, in the private sector, is usually referred to as the “chief executive officer”.

113 The appointment of such a person is certainly the practice in the departments and agencies of the Governments of Canada and the provinces, i.e. the deputy minister, the director, the executive-secretary, etc. etc.

114 The appointment of such a person is the practice in Ontario's boards of education where The Schools Administration Act provides for the appointment of a director of education who shall be "the chief executive officer of the board". (It is interesting to note that the chief executive officer's appointment and removal are subject to the approval of the Minister of Education.)

115 However, the appointment of such a person is not the practice in Ontario's local governments!

AVAILABILITY OF CAOs

116 Because of the acceptance of the council-manager system in the United States and the appointment of thousands of managers and staff assistants to managers, there is a reasonable supply of experienced municipal managers in the United States.

117 In addition, and of great significance to Ontario, because of the outstanding success of the International City Management Association's training programs, many of these managers are knowledgeable and well-trained in the most modern theories and practices of municipal management and administration.

118 The members of the Association have allocated a great amount of time, energy and money (using the services of leading managers and a number of nationally-recognized universities), to the development of texts, materials and courses in almost all of the areas of local government administration.

119 In Ontario, the CAO has yet to make an impact! There are no facilities in Ontario for the training of CAOs and other officers in the "modern theories and practices of municipal management and administration".

120 Undoubtedly, a few of Ontario's municipal officers have participated in the training program of the international association, however, the instructional material of the association, quite naturally, is aimed at the knowledge requirements of an American manager, not an Ontario CAO!

121 While the basic principles are the same, the details are unbelievably different!

122 *However, the absence of experienced CAOs in Ontario should not be used by the councils of Ontario as a reason for the non-establishment of the council-CAO system!* The sooner CAOs are appointed, the sooner the Ontario councillors, the officers and the public will benefit from the availability of CAOs in the municipal corporations.

An organization chart of a municipality that has adopted the council-no or very few committees-a CAO system is presented as Table A. Included with the chart is a summary of the main features of the structure.

In order to illustrate the system further, organization charts of the City of Windsor's council-CAO system and the City of Kitchener's council-CAO committee of officers system are presented as Table B and Table C.

CONCLUSIONS

123 *The system is simple and is understandable by the electors and the general public, with the result that the electors are in a position to determine the responsibility and the accountability of the councillors to the electors.*

124 *Busy persons with ability and experience are attracted to local public office under the system, because the duties of the councillors and officers and the decision-making processes have been rationalized.*

125 *The distinguishing features of the council-no or very few committees-a CAO system are as follows:*

- (a) *A recognition by the councillors of the need to:*

- (i) *allocate the time and energy of themselves and the officers and employees of the municipal corporation to the best advantage, and*
 - (ii) *allocate their time and energy, primarily, to the prime concerns of the municipality and not to the supervision of the officers and the administrative affairs of the municipal corporation.*
- (b) *The decision of the councillors*
 - (i) *to free themselves for the prime concerns of the municipality by the appointment of a CAO,*
 - (ii) *to re-establish the unity of the council by setting up a committee of the whole council to discuss and resolve the business of the council and to abandon administrative committees of the council,*
 - (iii) *to enact a procedure by-law that clearly describes the duties of themselves, the CAO and the COs,*
 - (iv) *to insist that carefully prepared reports from the CAO and the COs be prepared and be presented to the council before an item is presented, formally, to the council for a decision, and*
 - (v) *to insist that the CAO and the COs, in the exercise of their administrative duties, use the “management by exception” principle, i.e. if a matter that comes before an officer is within the policies of the council, the matter is disposed of by the officer; if the matter is not within the policies of the council, it be referred by the CAO, with a report of the CO involved, to the council for a decision.*

126 *The system is based upon the principle that the councillors “manage” the affairs of the municipal corporation: they take the decisions; while the officers carry out the decisions: they administer the affairs of the corporation.*

127 *Two of the conditions that are essential to the success of the Council-CAO system are:*

- (a) *the duties of the councillors, the CAO and COs must be logical and be stated clearly in a procedure by-law, and*
- (b) *the relationships between the councillors: the CAO and the COs be co-operative, helpful and understanding; they must operate as a team, with common goals and objectives!*

128 *The morale of the COs is enhanced because of the system’s use of many of the principles of modern management, such as “management by exception”.*

129 *The acceptance of the recommendations (a) of chapter III concerning the duties of the head of the council, the statutory statement that he is the chief executive officer of the municipal corporation and his election or selection; (b) of chapter IV concerning the delegation of the powers of the council; and (c) of chapter VII concerning the statements of the duties of the statutory officers; would contribute to an improvement of the decision-making processes of the municipalities of this Chapter.*

130 *The confusion in The Municipal Act and other related acts with regard to the duties of the head of the council and of the CAO is one of the reasons for the non-establishment of the Ontario council-CAO system.*

131 *Relatively few Ontario councils have appointed a CAO (50 of 946 municipalities). Of these councils, the majority retain the administrative duties of the corporation and do not take advantage of the services of the CAO and the COs to authorize the establishment of “a system of integrated administration at the officer level”. Of the CAOs that have been appointed, the majority are required to carry out the duties of another office of the corporation, in addition to the duties of CAO.*

RECOMMENDATIONS

132 *Section 214a of The Municipal Act be repealed and be replaced with a section that*

- (a) *as recommended in chapter III, requires the council of every municipality to appoint a CAO, and*
- (b) *describes, in general terms, the duties that should be and may be assigned by the council to the CAO.*

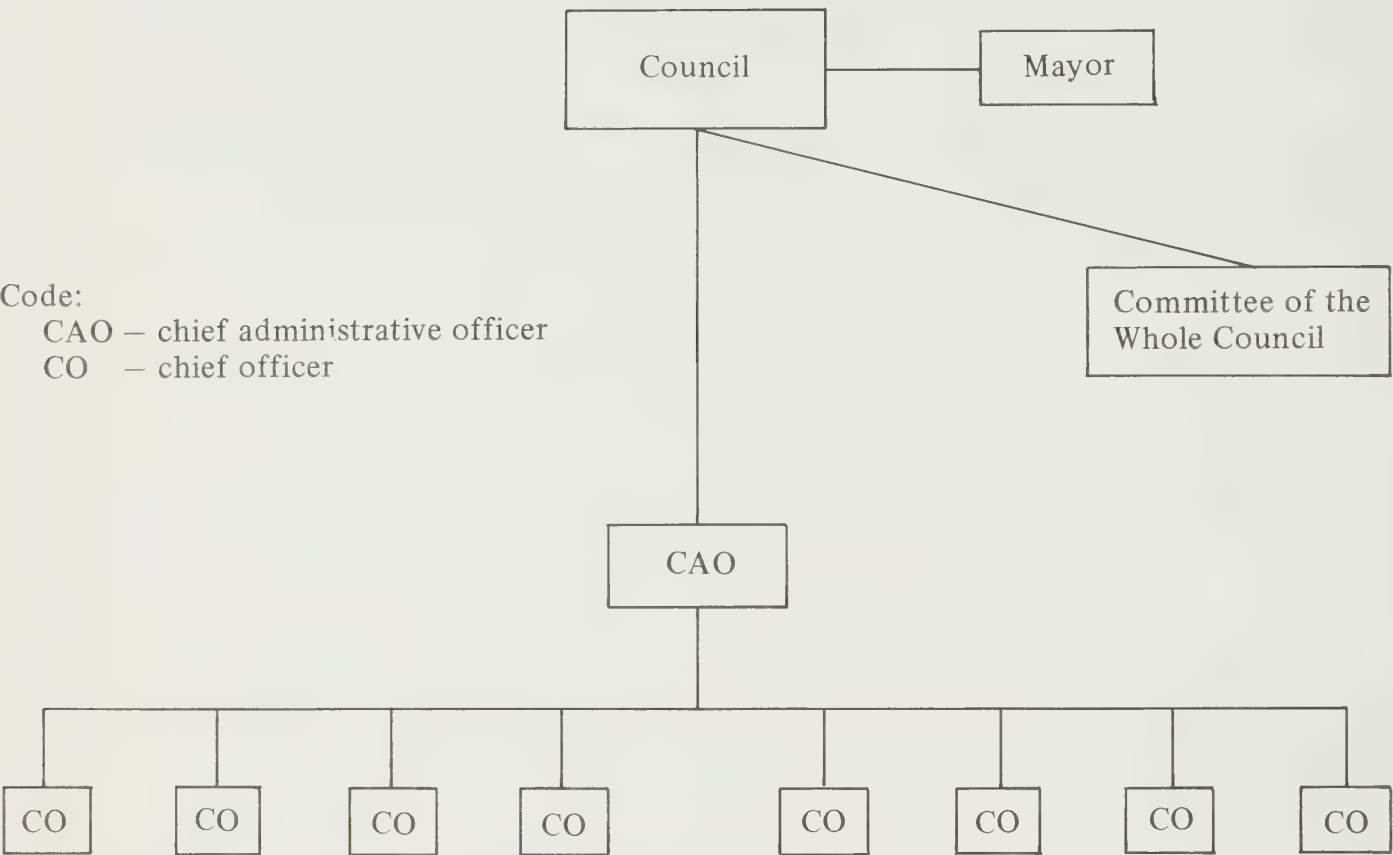
133 *TE&IA promote, in the larger municipalities, the adoption of the Ontario council-CAO system, as described in this Chapter, including the establishment of a system of integrated administration at the officer level by the CAO and the COs, under the control and direction of the council.*

134 *A model by-law to establish the Office of Chief Administrative Officer be prepared by TE&IA, after study, research and consultation with municipal organizations and officers and TE&IA promote the acceptance and the enactment of the By-law.*

135 *TE&IA assign a high priority to the development in Ontario of facilities to train municipal officers, particularly the senior officers, in the theories and practices of modern management and administration, including the decision-making processes.*

Table A

ONTARIO'S COUNCIL-NO OR VERY FEW COMMITTEES-A CAO SYSTEM
(40 odd municipalities)



Main features of the structure

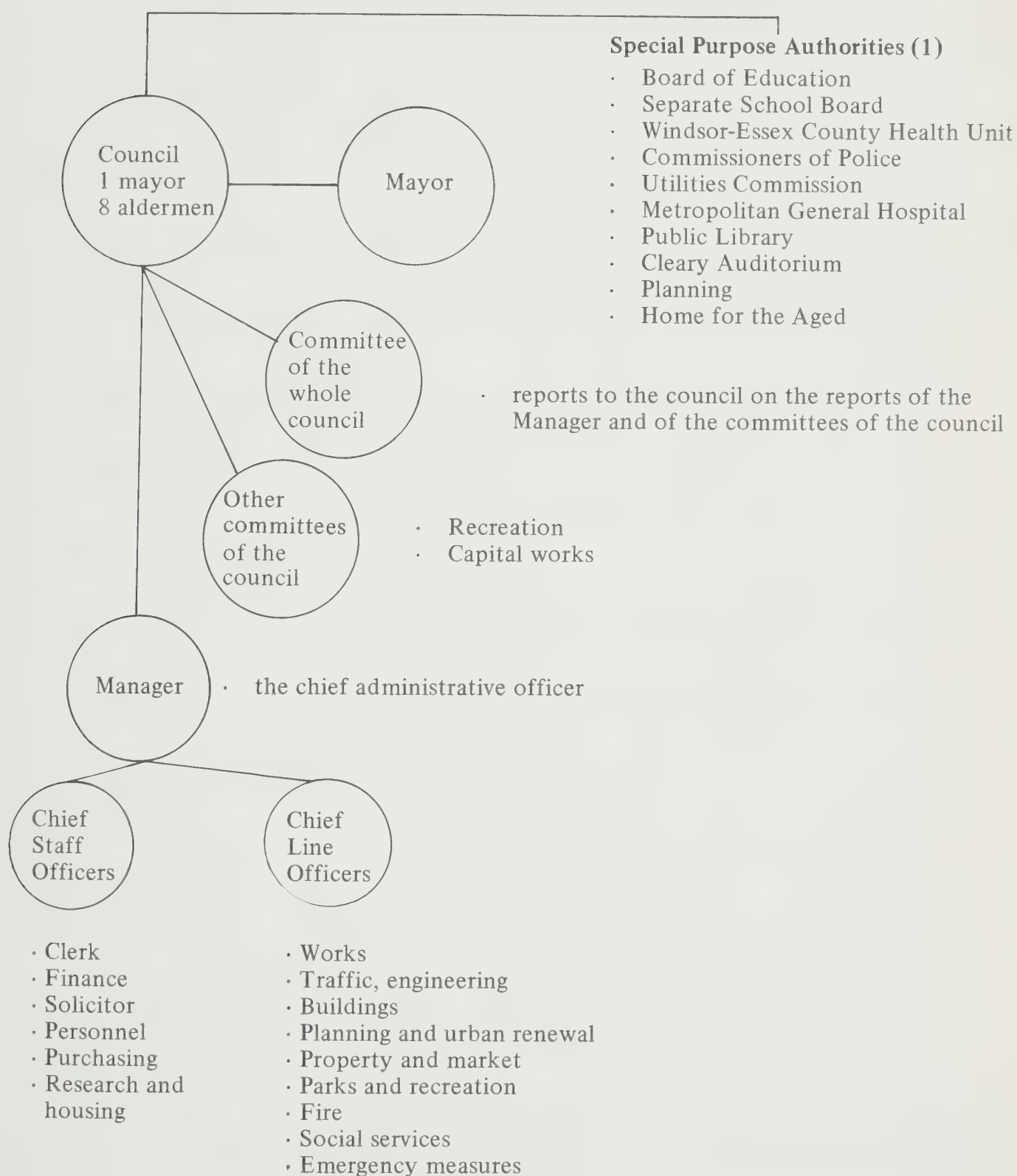
- (a) the council is required to exercise the powers of the municipal corporation
- (b) the mayor is the head of the council; his powers are nominal
- (c) the unity of the council is maintained; a committee of the whole council is used extensively; ad hoc committees are established on occasion
- (d) central management and co-ordination of the municipality's affairs is exercised by the council by the appointment and control of a CAO; the CAO is granted the power to recommend to the council; the CAO is accountable to the council for the administration of the municipality's affairs, in accordance with the policies of the council.
- (e) the efforts of the COs are co-ordinated and directed by a trained and experienced CAO; the COs report to the council through the CAO
- (f) co-ordination and direction of the COs, by the CAO, is effective; the system of officer reporting is direct and is understood by the officers.
- (g) the council is not authorized to delegate any of its powers

Notes:

- (1) the diagram illustrates lines of command (with the exception of the mayor)
- (2) many COs, subject to the advice of the CAO, advise the council directly

Table B

CITY OF WINDSOR
Council-CAO Systems

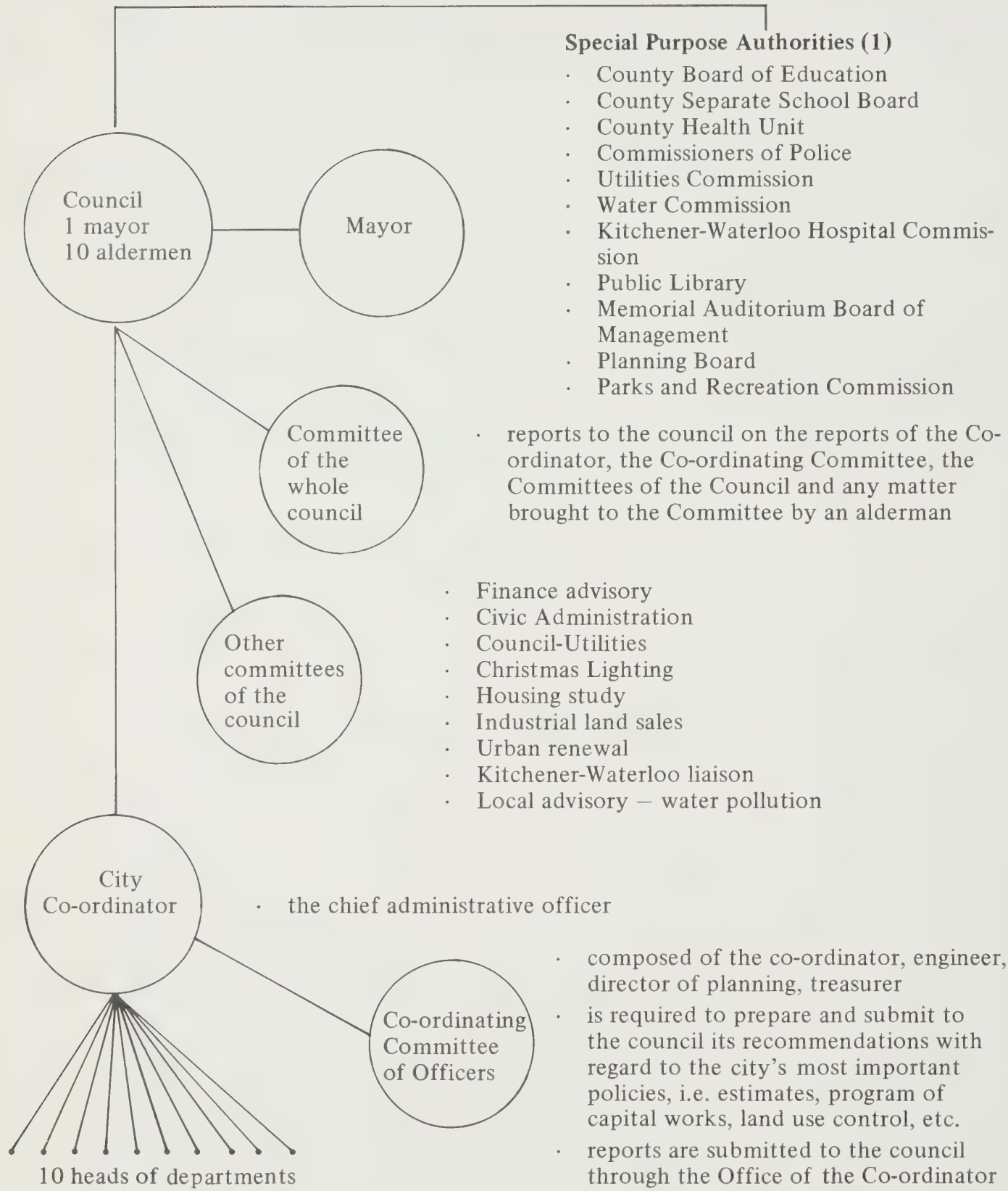


Note:

- (1) the members of the special purpose authorities are either elected appointed by Ontario, Canada and/or the council or appointed by the council.

Table C

CITY OF KITCHENER
Council–CAO–committee of officers system



Note:

(1) The members of the special purpose authorities are either elected, appointed by Ontario, Canada and/or the council or appointed by the council.

CHAPTER X

Ontario's Council - Board of Control - Committees-No CAO System

INTRODUCTION

- 1 This Chapter deals with the 4th of the 5 systems of municipal decision-making in Ontario.
- 2 Ontario's council-board of control-committees-no CAO system (hereinafter called the council-board of control system) has been established by 9 of the largest of the Ontario municipalities.
- 3 The system is indigenous to Ontario and is unique, with the possible exception of certain municipalities in Switzerland. There is almost no literature on the system. Therefore, a considerable amount of time was required to prepare the Chapter. The limited amount of time and the resources that were available restricted the thoroughness of the research that was conducted into the system.
- 4 The Chapter commences with a discussion of the origin of the system and an outline of the development of the applicable legislation.
- 5 The distinguishing features of the system are then summarized.
- 6 The summary is followed by an outline of the powers, duties and functions of the mayor, the controllers, the councillors and the heads of the departments, officers and employees, with some brief comments thereon.
- 7 The dispersal of the local governmental powers, not only within the municipal corporation, but between the corporation and a large number of local boards and other local agencies, is discussed.
- 8 The acceptance of the council-board of control system by the 25 municipalities that are authorized to do so is analyzed thoroughly.
- 9 The reasons for the acceptance of the system are listed and, then, the system's weaknesses are identified and discussed at length.
- 10 Opinions concerning the system from 4 quite different, but highly, significant, sources are quoted – these are the only authoritative opinions that were located.
- 11 Conclusions are drawn. Recommendations are made.

ORIGIN OF THE BOARD OF CONTROL

- 12 Before commencing a discussion of the origin of Ontario's board of control, it may be helpful to identify the essence of the characteristics of the council, the decision-making body, of which the board of control is a unique element.
- 13 In a board of control municipality, as in all other Ontario municipalities, the council exercises the powers of the municipal corporation; however, in such a municipality, the council is composed of two separate and distinct groups. The members of one of the groups, the board of control, are elected at large and are granted special and unusual powers; while the members of the other group, the councillors, are not granted special and unusual powers and are elected by ward. The two separately-elected groups come together as a single council to exercise the powers of the municipal corporation.
- 14 Where did this two-groups-within-a-single-council idea originate? A definitive answer is not available. The question has not been thoroughly researched! However, for the purposes of this Study, a limited amount of time was allocated to the question.

15 In England, the council of a local authority is composed of two classes. The members of one of the classes, the councillors, are elected by the electors; while the members of the other class, the aldermen, are appointed by the councillors. Two-thirds of the members of the council are councillors. However, the councillors are elected on a uniform basis and neither class is granted special or unusual powers. Therefore, it seems to be reasonable to state that Ontario's board of control did not originate in England.

16 There is a long history of sharing the powers of government between two separate and distinct groups in the United States.

17 The legislative powers of the national government are shared between two separate and distinct groups, the members of the Senate and the members of the House of Representatives; while the executive and administrative powers of the national government are exercised by the President, subject to the decisions of the Congress – Montesquiev's classic separation of powers.

18 The legislative powers of the federal government in Canada are shared between two separate and distinct groups – one of the groups is elected to office; the other group is appointed to office – the members of the House of Commons and the members of the Senate.

19 The legislative, executive and administrative powers of 49 of the 50 states of the United States are exercised in a manner similar to those of the National government.

20 However, because of the vast difference in the scale and the nature of the problems of the national government and the state governments, the desirability, and the justification, of sharing the legislative function of the states between two separate and distinct groups has become the subject of discussion and debate and has given rise to many proposals for the amendment of the constitutions of the states.

21 An example of the discussion is an article in the May 1971 issue of the National Civic Review by Jess Unruh, a former speaker of the Assembly of the State of California and a nationally-prominent Democrat. In the article, Mr. Unruh strongly advocates the abandonment of the principle of the separation of the legislative powers of the states and the substitution of "one-house legislatures".

22 The following is a quotation from the Article:

"State legislatures under the bicameral system are costly and inefficient anachronisms which thwart the popular will, cater to private interests and hobble responsible decision-making until they are no longer responsible to the needs of the people they are supposed to serve."

23 Insofar as the practices of the Canadian provinces are concerned, the only province that has had two separate and distinct bodies to exercise the legislative powers of the province in recent years is Quebec. Quebec's second body, its Upper Chamber, was dissolved a number of years ago!

24 There is a long history of "two-house" or bicameral municipal councils in the United States; such councils were common in the larger eastern cities in the last years of the nineteenth century and the first years of this century. These councils were composed of two chambers and were a direct reflection of the adoption, at the national and the state level, of the principles of a "separation of powers" and of "checks and balances".

25 The members of the "upper" chamber of these two-group councils were called aldermen; while the members of the "lower" chamber were called councilmen. An indication of the role and the status of the members of the chambers is the fact that the members of the "upper" chamber were referred to as "select rogues"; while the members of the lower chamber were called "common rogues".

26 With regard to the use of the bicameral municipal council, F. J. Goodnow wrote in 1897:

"The bicameral system for the council was introduced in many cases, not because it was specially suited to municipal government, but because it was the recognized method of organizing the legislatures of the states and the nation and what was good for the states and the nation was, presumably, good for the city."

27 During the early years of this century, it was recognized that the two-group council was neither a desirable nor a justifiable feature of local government! *With the exception of one, or perhaps two, cities the two-chamber municipal council has been abandoned in the United States!*

28 For the purposes of this Study, the resources were not available to identify specifically the direct links between the two-group council in the United States and Ontario's two-group council. However, since so many of the features of Ontario's systems of municipal government have been adopted from systems of local government in the United States, particularly elements of the American council-weak mayor system, it is reasonable to assume that, when the establishment of a two-group council was being considered in Ontario during the last years of the nineteenth century, the experiences of the American governments with regard to "two-group" councils were examined and were used as a guide.

29 There is a major difference between the manner in which Ontario's two separate and distinct groups exercise the powers of the municipal corporation and the manner in which the American groups did so. While Ontario's two groups come together in a single council, the American groups maintained their bicameralism, i.e. their two chambers!

30 *Insofar as the other provinces of Canada are concerned, with the exception of the City of Montreal, the two-group council appears to be unique to Ontario.*

31 *In Montreal, in 1910, a similar system was established. The council consisted of a mayor, elected at large; 31 councillors elected by ward; and a board composed of 4 controllers elected at large and presided over by the mayor. The controllers were granted powers similar to an executive committee. The system was abolished within a few years of its establishment!*

32 The reasons for the establishment of the two-group council in Ontario may only be surmised.

33 However, the board of control possesses the characteristics of "an elected executive" committee of the council that has been granted special and unusual powers by the Legislature, vis-a-vis the other members of the council.

34 If the council restricts the duties of the board to the statutory statement of the board's duties, the board functions as a type of finance committee of the council; while, if the council assigns duties to the board that are in addition to its statutory duties, the board functions as a type of executive committee of the council.

35 *The unimitated feature of Ontario's board of control is this characteristic as "an elected executive" committee of the council. In this respect, the board is almost unique in the world.*

36 Humes, in his text, *The Structure of Local Governments Throughout the World*, while discussing the use of executive committees of the council (which he calls boards), states:

"Generally, the elected persons on a board are elected by and from the council or, lacking a council, by the popular assembly. There are a few Canadian cities and some of the more populous Swiss municipalities, though, which have councils in which the members of the boards are directly elected by the voting public."

DEVELOPMENT OF THE LEGISLATION

37 Resources were not available to research, thoroughly, the history of the development of the statutes with regard to the board of control. However, the following brief sketch of the legislation contains the essential elements.

38 The establishment of a board of control in an Ontario municipality (the City of Toronto) was authorized in the 1880s.

39 The members of the board were selected by the members of the council from among themselves, according to The Municipal Act of 1903; however, by the time of the 1914 consolidation of the statutes, the members of the board were selected by a general vote of the electors; Ontario's two-group council had been established!

40 The present statement of the duties of the board in The Municipal Act is almost identical to the statement of the duties that is to be found in The Municipal Act of 1903 – only the language has been altered, slightly!

41 *Therefore, it may be stated that, in spite of the unprecedented growth of Ontario's large municipal governments during these 69 years; and in spite of the development, in other jurisdictions during these 69 years of new systems of decision-making that were designed to make it possible for the councillors to determine the policies and to control the affairs of the local governments more effectively, the decision-making processes of Ontario's council-board of control municipalities are identical to what they were 69 years ago!*

42 Prior to the 1961-62 Session of the Legislature, according to The Municipal Act in

cities with a population in excess of 100,000

- the establishment of a board of control was mandatory

cities with a population between 45,000 and 100,000

- a board of control could be established, subject to the assent of the electors, while

subsequent to the 1961-62 Session of the Legislature, in

cities with a population in excess of 100,000

- the establishment of a board of control is mandatory unless there is a 2/3rds vote of the councillors against the establishment of a board and the Municipal Board concurs

cities and towns with a population in excess of 45,000

other local municipalities with a population in excess of 100,000

- a board may be established with a 2/3rds affirmative vote of the councillors and the Municipal Board concurs.

DISTINGUISHING FEATURES OF THE SYSTEM

43 Before proceeding to discuss the elements of the council-board of control system in some detail, the distinguishing features of the system are summarized briefly in the clauses that follow.

- (a) The council is composed of two separate and distinct groups. The members of one of the groups are elected at large and are granted by statute special and unusual powers; while the members of the other group are elected by ward and are not granted special powers. The prime feature of the special and unusual powers of one of the groups, the board of control, is that the recommendations of the group to the council, with regard to certain of the most important powers of the municipal corporation, may not be rejected by the council, unless 2/3rds of all of the members of the council vote against the recommendation.
- (b) The council usually assigns duties to the board of control that are in addition to the board's statutory duties – in order to permit the board to act as the executive committee of the council and, in addition, the council establishes a system of administrative committees of the council to supervise the officers of the line departments and to direct the administrative affairs of these departments.
- (c) A system of co-ordinated administration at the officer level is not established; a CAO, or a board of officers, is not appointed.
- (d) The local governmental powers in the community are dispersed very widely and are exercised by the council and by a number of local boards and local agencies. Some of the members of the boards are elected to office.
- (e) The structure of the municipal corporation and the local boards and agencies is extremely complex.
- (f) The nature of the powers and duties of the three classes within the council, the boards and agencies and the employees, gives rise to conflict and rivalry and to a lack of unity, cohesion and internal loyalty in the system.

MAYOR

44 The mayor is the head of the council and the chief executive officer of the corporation. He presides at the meetings of the board of control.

45 The mayor is not granted any special or unusual powers.

46 Because the other members of the board are elected at large (some of the members may secure more votes than the mayor) and because of their special and unusual powers and their special status on the council and in the community, the role of the head of the council, as the leader of the council and a leader in the community, is much more difficult under the council board of control system than it is under the other 4 systems. The statutes do not recognize the mayor's leadership role and yet the electors expect him to lead.

47 The effectiveness of the mayor, therefore, is related exclusively to his integrity, intelligence, drive, capacity and political skills and not to the powers and the duties that are assigned to the office of mayor.

48 Unlike the chairman of the metropolitan and regional municipalities, the mayor does not attempt to exercise the powers of "the chief executive officer of the corporation".

BOARD OF CONTROL

Powers of the board

49 According to the statement of the duties of a board of control in section 206 of The Municipal Act, a board of control is to:

- (a) prepare an estimate, for submission to the council, of the expenditures for the year (The Act is silent with regard to the current revenues, the capital expenditures, the capital revenues, etc.);
- (b) prepare specifications for, and award, contracts; call for tenders for materials and supplies and report its actions to the council (The council shall not authorize a change in a contract that increases the cost of a work, or award a contract to a tenderer, other than the one selected by the board, without a vote of 2/3rds of the members of the council);
- (c) regularly inspect the works in progress;
- (d) nominate the head of a department or of a "sub-department"; nominate, after a favourable report by the head of the department concerned, any other officer required to be appointed by by-law or resolution and any other permanent employee (In the absence of a nomination of the board of control, the council shall not appoint an employee without a vote of 2/3rds of the members of the council.);
- (e) recommend the rate of the earnings of the employees;
- (f) dismiss or suspend the head of a department and report such an action to the council (The head of the department shall not be re-appointed by the council without a vote of 2/3rds of the members of the council); and
- (g) submit proposed by-laws to the council.

50 *The Act provides that the council shall not appropriate or spend any sum, not provided for in the estimates, without a 2/3rds vote of the members of the council. A payment from monies, other than monies appropriated in the current estimates, is not included within this restriction – i.e. a payment from capital funds.*

51 *The council, according to the act, may refer a recommendation back to the board for its re-consideration – a 2/3rds vote of the members of the council is not required! By the use of this device, the councillors may indefinitely block a recommendation of the board; however, if the councillors are to alter or reject a recommendation of the board, the recommendation cannot fall within the matters described in paragraph 49, unless 2/3rds of the members of the council are prepared to support the alteration or rejection!*

52 The council may assign duties to the board that are in addition to its statutory duties.

53 The following illuminating commentary on the separation of powers between the members of the board of control and the councillors is extracted from Ian MacF. Rogers' Law of Canadian Municipal Corporations. The commentary highlights the involved nature of these powers and the complicated manner in which they must be exercised!

- (a) *"The board alone is to possess initiative with respect to the duties assigned to it;*
- (b) *The council as a whole cannot originate action in respect of matters within the board's jurisdiction but can only exercise its rights to reverse, set aside or vary the board's action when it comes before it;*
- (c) *The executive powers of the municipal corporation, in many respects, rests in the hands of the board, exclusively; nevertheless, the board alone cannot effectively bind the corporation;*
- (d) *The powers of every council must be exercised by the council;*
- (e) *The board is to take action in the first instance, yet whatever its action may be is subject to review and validation by the council;*
- (f) *The council cannot, except by a 2/3rds vote, alter certain decisions of the board; and*
- (g) *The council may, without a 2/3rds vote, refuse to accept the estimates certified to it and refer the matter back to the board for re-consideration".*

Duties of the board

54 The councils in the council-board of control municipalities have established two types of board of control, namely

- (a) a board with duties that are limited to its statutory duties as described in The Municipal Act, and
- (b) a board with duties as described in clause (a), plus a wide range of additional duties that may be assigned to the board by the council under the terms of the act.

The additional duties, in most cases, are not defined in the council's procedure by-law.

55 A board, as described in clause (a) of paragraph 54, operates as a type of finance committee of the council; while a board, as described in clause (b), operates as a type of executive committee of the council.

56 However, the statement of duties in the act does not include some of the most important duties of a finance committee of a council. For instance, although the statement provides that the board shall prepare and submit estimates of the current fund to the council, the statement is silent on the equally-important estimates of the capital fund – the capital budget and program of capital works!

57 Similarly, the statement in the act does not include many of the most important duties of an executive committee of a council. For instance, the statement is silent on the responsibility of such a committee to prepare and recommend to the council a draft of the goals, objectives, priorities and policies of the municipal corporation.

58 However, because of the logic of doing so, most of the councils have established a board of the type described in clause (b) of paragraph 54 – a type of executive committee of the council.

59 *However, it must be emphasized that the members of the board of control are not a committee of the council. They are something more than a committee of the council! They are not responsible to the council. They are responsible to the electors who elected them.*

60 The time and energy of the members of the board are allocated to the development of policy recommendations to the council, the study of the reports of the administrative committees to the council and the preparation of reports thereon, the supervision of the COs of the staff departments and the administrative affairs of the municipal corporation, particularly the affairs of the staff departments. Much of this time is spent at meetings of the board, the administrative committees, the council and the local boards or agencies.

Comments concerning the powers and duties of the board

61 The requirement of the act that an affirmative vote of 2/3rds of all of the members of the council must be secured in order to alter or reject a recommendation with regard to the matters described in paragraph 49 is extremely significant!

62 *For instance, in the case of the City of Hamilton, with a council that is composed of the mayor, 4 controllers and 16 councillors; if the councillors wish to alter or reject a recommendation of the board with regard to the matters described in paragraph 49, 15 of the 16 councillors must be in favour of the alteration or rejection!*

63 One of the cities that limits the jurisdiction of the board to its statutory duties indicated that the council had done so in order to reduce controller-councillor misunderstandings and, thereby, controller-councillor conflicts.

64 Because of the nature of the structure of the council-board of control municipality, the span of responsibility of a controller is extremely broad. A controller is required to assume the duties of (a) a member of the board of control, (b) a member of one or more administrative committees, (c) a member of one or more adhoc committees and (d) a member of the council, itself. In addition, he is required, frequently, to represent the council on one or more local boards or other local agencies in the community.

65 A controller is required to be available to the public, the press and special interest groups; to study the many reports that are presented to the board of control and the committees; and to determine his position on a wide range of matters of local public controversy. In addition, he is required to allocate time to the administrative problems of the heads of the departments and other officers.

66 In the larger municipalities, the demands against the time of a controller are heavy, indeed! As a matter of fact, *the office requires almost all of the time of a person! This is an extremely significant feature of the system because such a feature limits the availability of candidates for the office of controller. Few persons are free to allocate almost all of their time to a local elected public office!*

COUNCIL AND ITS ADMINISTRATIVE COMMITTEES

67 Ontario's two-group council exercises the powers of the municipal corporation and is composed of a mayor, a number of controllers and councillors. The mayor and controllers are elected at large, while the councillors are elected by ward.

68 The following is a summary of the number of wards in the municipalities that use the council-board of control system and the composition of the councils.

Boroughs of Metropolitan Toronto	Number of wards	Composition of the council			
		Mayor	Controllers	Controllers	Total
Etobicoke	5	1	4	10	15
North York	12	1	4	12	17
Scarborough	10	1	4	10	15
York	8	1	2	8	11

<u>Cities</u>	<u>Number of wards</u>	<u>Composition of the council</u>			<u>Total</u>
		<u>Mayor</u>	<u>Controllers</u>	<u>Councillors</u>	
Hamilton	8	1	4	16	21
London	7	1	4	14	19
Ottawa	11	1	4	20(1)	25
Oshawa		1	4	12	17
Sudbury	6	1	4	12	17

(1) 9 wards with 2 councillors; 2 wards with 1 councillor

69 Under the council-board of control system, as is the case under each of the other 4 Ontario systems, the council exercises the powers of the municipal corporation. However, in the case of the council-board of control system, the decisions of the council are subject to the special and unusual powers of the board of control. These powers of the board of control, which are described in paragraphs 49 to 66 and discussed in paragraphs 115 to 117, impose unique restrictions on the historic powers of a municipal council.

70 Two types of committees of the council are established under the system, one by Statute – the board of control; and one by by-law of the council – a system of standing administrative committees of the council.

71 According to tradition, the committees are composed of one controller and a number of councillors. A councillor, invariably, is appointed chairman, with the duty to speak in the council on behalf of the committee. The controller-member is assigned the duty to maintain an effective liaison, between the committee and the board of control. Frequently, because of the nature of the duties of the chairman of a committee and its controller-member, the chairman-controller relationships become quite bitter!

72 The role of the board of control, as a committee of the council, is described in paragraphs 54 to 60. The role of the administrative committees is to (a) study, discuss and resolve the administrative matters that arise and that are within their terms of reference and to make reports thereon to the council, (b) supervise the heads of the “line” departments – the departments that provide the municipal services to the public and (c) take many of the administrative decisions with regard to the responsibilities of the “line” departments.

73 Delegations of the public to the council, in most cases, appear before the appropriate administrative committee of the council. However, frequently, delegations may appear before an administrative committee and the board of control. On occasion, a delegation appears before an administrative committee, the board and the council.

74 *Administrative committees of the council in the system contain many of the disadvantages of administrative committees which are identified in paragraph 28 of chapter VIII. The discussion of administrative committees in chapter VIII is extremely significant. The discussion should be read as an integral part of this section.*

HEADS OF DEPARTMENTS, OTHER OFFICERS AND EMPLOYEES

75 The administrative powers of the corporation under the system are retained and are exercised by the council, on the basis of recommendations of the board and the administrative committees of the council.

76 The council is able to retain and exercise its powers, theoretically at least, because of the development of detailed, time-consuming and costly procedures which provide for the board of control and for each of the administrative committees to present specific recommendations to the council for the exercise of its powers. Recommendations originate in the departments; they pass through the offices of the COs; the COs present them to the board or to one of the administrative committees and, frequently, to both. The recommendations of the committees

are usually passed through the board. Finally, the recommendations reach the council. Some of the recommendations attract the attention of the council. The bulk of the recommendations are routine, are regular, are within the policies of the council and, as a result, they secure scant attention!

77 Under the system, the COs of the staff departments report to the board of control, while the CO of a line department reports to one of the administrative committees. However, a line CO is frequently required to appear before the board to explain a recommendation to the council of the administrative committee to whom he reports.

78 As indicated in the previous paragraph, some of the COs report to the board of control while others report to one of the administrative committees. The COs do not report to a CAO! There is essentially a void, insofar as the leadership, the co-ordination and the direction of the COs are concerned. The board attempts to achieve a measure of co-ordination, however, the members of the board rarely possess the training or the knowledge which is required to direct the COs of a large municipal government.

79 *The leadership, co-ordination, direction, reporting and, most important, accountability of the COs is not clear and is usually confused in the minds of the members of the board of control, the administrative committees, the COs and the other officers and employees.*

80 *Since the council is not authorized to delegate any of the powers of the corporation, it may not delegate administrative power to the COs and, therefore, the great advantages of the principles of "management by exception" may not be used in the administrative affairs of the corporation.*

81 The training and experience of the COs are not recognized under the system and, certainly, the COs are not used to the best advantage of the councillors, the COs, the corporation and the public.

81a The absence of an effective system for the direction of the COs and the other officers increases, sharply, the management problems of the COs as they relate to the leadership and the supervision of the employees that report to them.

DISPERSAL OF THE LOCAL GOVERNMENTAL POWERS

82 The local governmental powers are dispersed widely in a council-board of control municipality – to the confusion of the electors and the general public and at the expense of the taxpayers!

83 The powers and duties of the corporation are apportioned between the board of control, the standing administrative committees and the council; while the local governmental powers, that are not assigned to the corporation, are dispersed among a whole host of other local entities – local boards or other local governmental agencies.

84 For instance, in the case of the City of Hamilton, the electors, the public, the members of the council, the local boards and agencies, the employees of the corporation, the local boards and agencies and those who elect to do business with, or who are required to do business with, the corporation, must cope with a decision-making structure, the components of which are as follows:

- a mayor
- a board of control
- a council, with two separate and distinct groups
- 12 standing committees of the council
- 9 ad hoc committees of the council
- 15 departments of the municipal corporation
- 2 other elected bodies
- 8 city council-appointed local boards or other local agencies
- 4 city council-county council-appointed committees or agencies
- 5 city-Ontario; or city-Ontario-Canada appointed local agencies

85 The exercise of local governmental powers within such an area is a dramatic indication of the dispersal of powers and of the absence of the unity of the council!

ACCEPTANCE OF THE SYSTEM

Acceptance

86 The following municipalities have adopted the council-board of control system at the time of writing; 4 of the boroughs of Metropolitan Toronto, namely, Etobicoke, North York, Scarborough and York and 5 of the cities, namely, Hamilton, Ottawa, London, Sudbury and Oshawa.

87 What were the terms of The Municipal Act under which these municipalities adopted the system? The following summary was prepared in order to answer the question.

Terms of The Municipal Act	City or borough
· Establishment of a board was mandatory	Hamilton, Ottawa
· Establishment of a board was ordered by the Municipal Board at the time of an annexation	London
· Establishment of a board was mandatory unless there was a 2/3rds vote of the councillors against the establishment of the system; and the Municipal Board concurred	Etobicoke, North York Scarborough and York
· Establishment of a board required a majority vote of the councillors; and the assent of the electors	Sudbury
· Establishment of a board required a 2/3rds vote of the councillors; and the Municipal Board concurred	Oshawa

88 Metropolitan Toronto, by statute, is required to establish an executive committee; while, Regional Ottawa-Carleton, may establish such a committee if 2/3rds of the members of the council approve. In each case, the powers and duties of a board of control, as provided for in The Municipal Act, are applicable to the executive committee.

Non-acceptance

89 The City of Windsor, after a favourable vote of the electors, was authorized in 1957 to withdraw its board of control, reduce the size of its council and establish the council-CAO system.

90 The City of Thunder Bay, in spite of its population, was not required to establish a board of control when the City was established as of January 1, 1970. A form of the council-CAO system was established.

91 The City of Toronto, as of January 1, 1970, was authorized by a private act to replace its board of control, established in 1897, with an executive committee of the council that is composed of the mayor and four aldermen. The aldermen are elected by ward. They select the members of the executive committee from among their members. The section of The Municipal Act with regard to the duties of a board of control is applicable to the executive committee.

92 The City of Kitchener, in 1968, secured private legislation which states that the city is exempt from the provisions of The Municipal Act with regard to a board of control unless "otherwise ordered by the Ontario Municipal Board". The city has established a modified form of the council-CAO system.

93 The City of St. Catharines has been authorized to not establish a board of control. The city has established a form of the council-CAO system.

Summary

94 The following is a summary of the cities, towns and other local municipalities that are authorized under The Municipal Act to establish a board of control, with an indication of the municipalities that have, and that have not, established a board.

Municipalities with a board of control

cities in excess of 100,000		cities and towns 45,000-100,000		other local municipalities in excess of 100,000	
Name	Population	Name	Population	Name	Population
Hamilton	294,707	Oshawa	85,003	Etobicoke	268,130
London	208,273	Sudbury*	89,144	North York	441,401
Ottawa	293,161			Scarborough	294,625
				York	139,716
3		2		4	

Municipalities without a board of control

cities in excess of 100,00		cities and towns 45,000-100,000		other local municipalities in excess of 100,000	
Name	Population	Name	Population	Name	Population
Kitchener*	105,245	Brantford	61,132	Mississauga*	132,041
St. Catharines*	105,906	Burlington	81,205		
Thunder Bay*	104,306	Cornwall*	45,453		
Toronto	674,602	Guelph*	55,625		
Windsor*	198,266	Kingston*	55,495		
		Niagara Falls*	64,052		
		Oakville*	56,027		
		Peterborough*	55,341		
		Sarnia*	57,099		
		Sault Ste. Marie*	76,621		
5		10		1	

Total 25

* a form of the council-CAO system has been established

Comments

- 95 Of the 8 cities with a population in excess of 100,000,
2 adopted the council-board of control system because of the prior mandatory provisions of the Act – the Cities of Hamilton and Ottawa
1 was ordered to adopt the system by the Municipal Board – the City of London
–
3
=

3 are exempt from the provisions of the act under the terms of private legislation – the Cities of Windsor, Kitchener and Toronto

the City of Thunder Bay is exempt under the terms of a public act , while

the City of St. Catharines established exemption under the terms of the Municipal Act.

5

96 Of the 12 cities and towns with a population between 45,000 and 100,000, who could or may establish the system, 2, Oshawa and Sudbury, have elected to establish a board.

97 Of the 5 other local municipalities with a population in excess of 100,000, who may establish the system, subject to an affirmative vote of 2/3rds of all of the members of the council and the approval of the Municipal Board, 4 have established a board of control – the Boroughs of Etobicoke, North York, Scarborough and York.

98 *16 of the 25 Ontario councils that are required to, or are authorized to, establish the system, or 64% of the, have sought, and obtained, approval to reject the system!*

99 During the preparation of this Chapter, an enquiry was made of the municipalities that are eligible to establish a board of control, but that have not done so, concerning the council's reasons for the non-establishment of a board. The following is a summary of some of the comments that were received.

Municipality	Comments received
Brantford	· system rejected in 1954 by a vote of 3,955 to 1,765; not discussed since
Burlington	· no formal, but some informal, discussions of the system; no need for a board of control
Cornwall	· no formal or informal discussions of the system; councillors not interested
Guelph	· system formally examined, discussed and rejected by the council
Kingston	· system formally examined, discussed and rejected by the council
Niagara Falls	· a council-manager system authorized in 1922
Oakville	· system examined, discussed and rejected at time of the establishment of the town
Peterborough	· no formal or informal discussions of the system
Sarnia	· in 1951, the City was authorized by private act to establish a council-manager system
Sault Ste. Marie	· system never seriously discussed

Other provinces

100 *Many of the provisions of Ontario's Municipal Act have been enacted into the statutes of other Canadian provinces. The only province to follow Ontario's example, insofar as the board of control is concerned, is British Columbia. However, a board of control has never been established under the terms of the legislation!*

REASONS FOR THE ACCEPTANCE OF THE SYSTEM

101 The boards of control of the cities of Toronto, Ottawa and Hamilton were established many years ago in accordance with terms of The Municipal Act which were mandatory. The board of the City of London was established during the '60s as the result of an order of the Municipal Board. The boards of the Boroughs of Etobicoke, North York, Scarborough and York were established in accordance with more recent terms of The Municipal Act which were mandatory, unless 2/3rds of the council was against the establishment of a board and the Municipal Board concurred. The establishment of a board in Sudbury and Oshawa was not mandatory.

102 The board of control has been accepted by the members of the councils of the older cities (Toronto, Ottawa and Hamilton) because, as the members and the officers became familiar with the powers and duties of the board, they succeeded in adapting the mandatory and the optional provisions of the act in such a way as to establish the board as either the council's executive committee or as its finance committee. Some of the members were aware of, and were critical of, the special and the unusual powers of the board; however, with few exceptions, the members were not inclined to be particularly vocal in their criticism. Councillors of the board of control municipalities have disclosed surprisingly little interest in the characteristics of the decision-making processes. Because of the absence of effective criticism of the board in the older cities, the councils of some of the newer centres have looked to the board of control legislation as their needs for an executive committee arose!

103 Members and officers are inclined to assume that the organization of the council, including the board of control, as authorized in the statutes, is well-founded and is based upon generally-accepted theories and practices. Therefore, they are not inclined to question the characteristics of the powers and duties of a board of control; they assume that these characteristics are acceptable to TE&IA.

104 The board of control is acceptable to certain types of persons because of the special and the unusual powers which are granted to the members and because of the special status of a member on the council and in the local community. Such persons, for instance, derive personal satisfaction from the use of the title "controller".

105 Municipalities have been authorized for many years to pay, as remuneration, a sum of money to the members of a board of control which is in addition to the sum which they are authorized to pay to the members in their capacity as members of the council. Because of the payment of the additional sum, in some municipalities members have advocated the establishment of a board of control, while in other municipalities members have opposed the abolition of a board. If a person is a member of the board of control of a lower-tier municipality and also of the executive committee of the council of an upper-tier municipality, the significance of the additional sums is very considerable.

106 The argument is advanced by some persons that it is more desirable, from the point-of-view of the electors, for the electors to select the members of the executive committee of the council, rather than to leave the selection to the members of the council. Such persons in other words, advocate the selection of the members of the executive committee by the electors, rather than by the councillors.

107 Finally, it has been argued that the system makes it possible for the older and the more established groups in a community to exercise a degree of control of the minority groups because of the election at large of the members of a board and, also, because of the special and unusual powers which are granted to the members. Since members of the board are elected at large, the members tend to be elected from the older, more established groups. It is difficult for a member of a minority group to be elected, so the argument goes, because of the nature of an election at large. (This argument is being advanced successfully in the United States at the present time by persons who take the position that, if minority groups in the larger cities (the Negroes, the Puerto Ricans, the Mexicans and others) are to be represented on the council, systems of election at large must be replaced by systems of election by ward or of election by a combination of at large and by ward.)

WEAKNESSES OF THE SYSTEM

Weaknesses from other systems

108 Ontario's council-board of control-committees-no CAO system incorporates many of the weaknesses of other systems of local government decision-making, such as the following:

from large eastern cities of the United States

- a bicameral or two-group council
- a separation of powers between the council and the board of control

from America's council-weak mayor system

- a wide dispersal of local governmental powers
- a "weak" mayor, elected separately and directly by all of the electors
- a council that retains and exercises the executive and administrative duties of the municipal corporation, while

from England

- a system of standing administrative committees of the council to supervise the officers and to direct the administrative affairs of the line departments of the corporation.

Allocation of time and energy

109 Because of the characteristics of the system, the time and energy of the mayor, the controllers and councillors are diverted from the prime concerns of the municipal corporation. They become immersed in the lesser concerns. The bulk of the time of the members of the board and the members of the committees of the council is allocated to matters of technical and administrative detail which arise from the exercise of the executive and administrative powers and duties of the corporation.

110 According to the practices of the system, the members of the board are required to allocate their time and energy not only to the development of the general policies of the corporation and to the co-ordination of the administrative committees, but also the co-ordination and supervision of the COs, particularly the COs of the staff departments, in the administration of the departments. A system of integrated administration at the CO level is not established. The members of the board are required to allocate the bulk of their time to the integration of the administration of the corporation – an extremely specialized and demanding task!

111 The members of the board are expected to be not only the executive committee of the council but also the chief administrative agent of the council. Each of these roles is quite different in character; each role requires a different type of background and experience; and, in a large municipal government, each role is full time!

112 The system, with the board of control and a system of administrative committees of the council but without co-ordination at the CO level, does not distinguish effectively between matters of prime concern and matters of administrative routine; and between matters which should be reserved to the members of the council and matters that should be assigned to the officers!

113 The following question has not been asked insofar as Ontario's council-board of control system is concerned. *"What powers and duties of the municipal corporation should be retained and exercised by the members of the council; and what powers and duties should be delegated or assigned to the officers, to be exercised by the officers, subject to the policies and the directions of the council?"*

114 In this connection, England's Committee on the Management of Local Government stated:

"In any local authority the responsibilities of members and officers require definition. We believe that the lack of clear recognition of what can and should be done by officers, and of

what should be reserved for decision by members, lies at the root of the difficulties in the internal organization of local authorities. Until members are prepared to change their attitudes towards their own functions and those of the officers, there is little prospect of any improvement in the effectiveness and efficiency of the organization."

"The staff of a local authority is one of its principal resources; the misuse of officers by not allowing them to exercise their skills and abilities to the full is a waste of manpower and money and in our view may well deter able and qualified people from working for local authorities."

Democratic concept

115 The position of the councillors vis-a-vis the mayor and controllers is subordinate and is second class! *The provision in the Act that requires 2/3rds vote of all of the members of the council, if certain of the recommendations of the board of control are to be altered or rejected, is unwarranted and is unnecessary and offends against one of the basic concepts of democracy! One person, one vote!*

116 A provision under which five of the members of a council may impose their decisions on 16 other members, unless 15 of the 16 other members are unanimous in their opposition; restricts, and reduces sharply, the historic rights of the members of a democratically-elected council! The concept places the mayor and controllers in a superior position and the councillors in an inferior position!

117 *(The need for the 2/3rds provision in the act was examined, carefully, from financial-control and other administrative points-of-view! The matter was discussed with officers of some of the council-board of control municipalities. It is a conclusion of this Study that the provision is not defensible either on the basis of financial control or on the basis of other administrative considerations.)*

Conflict in the council

118 One of the prime characteristics of the system, as with all two-group or bicameral systems, is the conflict and rivalry that arise between the members of the "two separate and distinct groups" within the council. Actually, there are three groups within the council because one of the groups, the board of control, is itself composed of two groups, the mayor and the controllers.

119 Conflict and rivalry was a characteristic of all two-group or bicameral councils – this was one of the chief reasons for the abandonment of such councils in the United States during the early years of this century.

120 Conflict and rivalry is caused by a number of factors, including the following:

- The council lacks unity! There are first-class members and second-class members.
- There are executive members and non-executive members.
- The members of the council receive two distinct mandates! The mandate of the mayor and the controllers is received from electors throughout the municipality, while the mandate of the councillors is received from the electors of a single ward.
- The members of the council are granted different powers! The members of the board of control are granted special and unusual powers, such as the 2/3rds-of-the-members-requirement, while the other members of the council are not granted any such powers.
- The system encourages and, perhaps, demands that the members of the three groups in the council jockey for position and power.
- The members of the board have access to more information and advice than the other members of the council. Therefore, the members of the board appear to the electors, in the press and on radio and television, to be more intelligent and competent.

121 In the preparation of the Chapter, the matter of conflict and rivalry was discussed with many municipal people. The following is a sample of the comments that were made. The words in *italics* in this subsection are quotations, many of them are taken directly from letters that were received.

- There are *two classes of member and often where there should be an equal partnership working for the common good, there is built-in conflict and antagonism.*
- There is a tendency on the part of the controllers *to attempt to distinguish themselves in the public eye, rather than to work harmoniously, with the councillors for the public.*
- Controllers quite often *take advantage of their special powers* and adopt a superior attitude and, as a result, *antagonize the councillors. Frequently, controllers remind the councillors, and the public, that, while they serve all of the citizens, the councillors serve the citizens from a single ward.*
- The mayor-controller-councillor relationships were described in terms such as the following: *at loggerheads; feuding and bickering; endless manoeuvring for tactical advantage; the controllers take the councillors for granted; division; delay; confusion; bitterness; continuous conflict; cleavage.*
- The special and unusual powers of the board place a controller in a position to exert, on occasion, an *undue influence* over the councillor-members of the administrative committees. This advantage is resented by the councillors.
- If a candidate for the office of controller, secures more votes than the successful mayoralty candidate, the consequences may be annoying and embarrassing – the seeds of rivalry are sewn!
- *Controllershship seems to be essential to mayorship.* A candidate for the office of controller, frequently, is a person who is *already running* for the next civic election and is a person who regards the mayor as a rival *to be cut down. Feuding and fighting, often, replaces team work* in the relationships between a mayor and such a controller.

Incredibly complex structure

122 The council-board of control system is extremely complicated, particularly in comparison to more modern systems of local government decision-making.

123 The complexity of the system arises essentially from the manner in which the local governmental powers, under the system, are dispersed among the council and the local boards and agencies; from a separation of powers between the board of control and the council; and from the establishment of a system of administrative committees of the council, in addition to the board of control, to exercise the administrative powers and duties of the municipal corporation.

124 The complexity of the system is clearly illustrated in paragraph 84, where it is pointed out that, in the case of the City of Hamilton, the members of the council and the local boards and agencies, the employees and the public must cope with a local decision-making process in which the local governmental powers are exercised by a council, a board of control, 2 other elected bodies, 13 local boards or agencies, 4 city-county committees or agencies and a whole host of committees, departments and COs.

125 *The practices and procedures that are required to cope with such a system are intricate, cumbersome, time-consuming and costly.*

126 Some of the comments of municipal officers with regard to the complexity of the system were *“the discussions in the committees are frequently an incredible waste of time”, “there is duplication”; “there is rehashing of discussions”; “matters are referred back, continually, to committees or to officers for additional information”; “delegation, often, appear before a*

committee and then, again, before the board of control”; “there are numerous lengthy meetings”; “sometimes, a matter will be discussed in a committee, at the board of control and, again, in the council”.

Absence of unity and understandability

127 Obviously, this incredibly complex structure, with its dispersal of local governmental powers, is almost devoid of unity! The local governmental powers are dispersed in the City of Hamilton, for instance, not only to the council but, to two other local elected bodies and to 13 local non-elected bodies and the powers of the municipal corporation itself are dispersed to two separate and distinct groups in the council. It would be difficult indeed to devise a system of local decision-making with less unity and with less internal cohesion and loyalty!

128 It is impossible for the electors to understand the system and to determine “who is responsible for what” in such a structure! Therefore, it is impossible for the electors to establish responsibility and, therefore, accountability for the exercise of the local governmental policies! Who is responsible and therefore accountable? The mayor? The controllers? The councillors? The members of the local boards? Or, is the Province of Ontario responsible and accountable?

129 The result is public confusion and apathy! The general public resigns itself to the system’s “red tape” and “buck passing”!

Statement of powers and duties

130 On the assumption that the board of control is to be either a finance committee or an executive committee, the statement of duties of the board in The Municipal Act is incomplete and inadequate.

131 The statement of the duties of the board, which are summarized in paragraph 49, is inadequate, not only from the point-of-view of financial control but, also, from the point-of-view of other administrative requirements of a municipal corporation, such as the determination of the goals, objectives and priorities, the personnel policies, the intergovernmental affairs, etc.

Candidates for local public office

132 The experience of the system is that, generally, the more capable and ambitious councillors frequently decide to run for the office of controller; are defeated at the polls, and are lost to local public life! Similarly, controllers decide to run for the office of mayor; are defeated and are lost to local public life!

133 Because of this three-groups-in-a-single-council feature, the system is wasteful of candidates for public office!

134 These scarce human resources would not be lost to local public life if the head of the council and the members of an executive committee, if one is established, were to be selected by the members of the council from among themselves – as is done in many other jurisdictions, particularly in Europe.

135 There are several other factors that contribute to the scarcity of candidates for local public office, particularly candidates who are successful in their private lives, are busy and yet could bring a high level of intelligence, training and experience to the council table. These factors include the following:

- Potential candidates study the characteristics of the system and, after identifying some of the characteristics, they refuse to pursue their candidacy any further.
- Since the election of the mayor and the controllers is at large, the cost of an election campaign in the larger boroughs and cities is well beyond the means of the great bulk of potential candidates – unless the candidate seeks and accepts

substantial contributions from others. Many potential candidates are not prepared to do so!

136 It is the experience of municipal people, generally, that *businessmen, industrialists, members of the professions and others with 'the better' training and experience will not accept local public office*".

137 This state of affairs is related essentially to the factors that are discussed in the subsections of this section.

Local party politics

138 The council-board of control system does not lend itself to the establishment of local party politics because of the existence of three classes of members within a single council – the mayor, the controllers and the councillors.

139 If local party politics is to be established effectively, two conditions are desirable, if not essential: (a) the unity of the council must be preserved and (b) the head of the council and the members of the committees of the council must be selected by the majority of the councillors (usually the members of the majority party in the council) from among the members of the council!

140 For instance, the Council of the City of Toronto, in 1969, when an application was made for exemption from the board of control provisions of The Municipal Act, advances as its chief reason for the exemption, the desirability of establishing the unity of the council by the introduction of the principle of the selection of the members of an executive committee from among the members of the council. The application was granted. Such an executive committee is responsible to, and responsive to, the members of the council.

Co-ordinated administration at the officer level

141 One of the prime weaknesses of the system is the absence of a system of co-ordinated administration at the CO level.

142 This weakness is derived from America's council-weak mayor system and England's system of local authorities. In the United States, the weakness has been overcome in a great many local governments by the acceptance of the council-manager system or the council-strong mayor system; while, in England, the weakness has been recognized and many of the larger and the more progressive local authorities have introduced significant changes which are designed to co-ordinate the COs at the officer level.

143 As indicated in earlier sections, one of the duties of a board of control is to be the general administrative agent of the council, while the prime duty of the administrative committees of the council is to supervise the COs in the administration of the day-to-day affairs of the line departments. There is no CAO, no board of officers, no committees of officers to be charged with the task of co-ordinating and directing the administrative processes of the corporation.

144 What are the results of the requirement that the council exercise the administrative powers and duties of the corporation? The results include the following:

- (a) The services of an officer, a CAO who is trained and experienced in the administration of municipal government, are not available full-time to the co-ordination and the direction of the COs,
 - (i) in the preparation of reports to, and in the rendering of advice and assistance to, the members of the council, and
 - (ii) in the administration of the corporation in accordance with the policies and the directions of the council.
- (b) The duties and responsibilities of the COs and their lines of reporting are not clear. Many administrative decisions which COs are trained to make, and which they are being paid to make, are being made for them by the members of the board of control or by the members of one of the administrative committees – frequently

after endless discussion and delay. The COs are placed in a position to evade their responsibilities.

- (c) When the COs do not report to an experienced CAO, but to the members of the board of control (the superior group) and/or to the members of one of the administrative committees (the inferior group), the lines of command are not drawn clearly. The COs are confused and uncertain! An adequate level of co-ordination and direction is not achieved. The administrative processes are neither as effective nor as economical as they would be if a "system of integrated administration at the officer level" were to be established!
- (d) Under such a system, a certain type of CO is placed in a position to "play" members of the board of control against members of the administrative committees.
- (e) Without casting any reflection whatever on elected members, it is reasonable to assume that the leadership, co-ordination and direction of the COs and of the employees of the corporations would be greatly improved if the services of full-time, trained and experienced CAOs were used for the work of co-ordination and direction in place of the services of members who are available part-time, who are not usually familiar with the technical and specialized aspects of municipal administration and who have not administered the affairs of a large and complex organization.
- (f) *Trained and experienced professionals with drive and ability hesitate to accept a senior municipal office where the administrative environment is of the type described in the preceding clauses! Yet, Ontario's council-board of control municipalities are in desperate need of the services of such professionals!*

A system of delegation of powers

145 Since, in the system, the council is not authorized to delegate any of the powers of the corporation, the administrative processes must be devised in such a way as to submit to the council a recommendation with regard to every exercise of power, even the most minor and routine! The principles of "management by exception" may not be used. As a result,

- (a) the time of the members is not used to best advantage,
- (b) the training and the experience of the COs is not used to best advantage, and
- (c) the councillors are inundated with a vast volume of reports, recommendations and minutes, the preparation of which consumes the time of the COs and the cost of which is extremely high!

OPINION OF A COMMITTEE OF CITIZENS

146 In '67, the Council of the City of Hamilton appointed a committee of prominent local citizens to examine its council-board of control system. The committee reported in May of '69.

147 The committee made many recommendations. However, the first and the most significant recommendation was that the city's board of control be replaced by an executive committee of the council to be selected by the councillors from among their members! The committee's reasons are as follows:

"there would be a better opportunity for able but lesser-known persons to be given a place in the administration of the city.

- *by being immediately responsible to the council, the members of the committee would, necessarily, work in closer harmony with the council than is, sometimes, the case with a board of control,*
- *the councillors and the members of the executive committee would be responsible, collectively, for their conduct and the efficacy of their policies,*
- *being collectively responsible, they would be more likely to be responsible to the legitimate desires of the citizens".*

OPINION OF AN OUTSTANDING AUTHORITY

148 Dr. A. H. Marshall, one of England's most outstanding authorities in local government, in the enquiry that he made of local government in other countries on behalf of England's Committee on the Management of Local Government (1967) states, with regard to Ontario's council-board of control system that *"the principle disadvantage is the inevitable rivalry between the two classes of elected members"* and then goes on to state that *"the other major defect of the Ontario plan – the lack of co-ordination at the administrative level – should be easy to cure; under a regime where power is so dispersed – there is an obvious need to channelize the officers' energies and ideas."*

OPINION OF A ROYAL COMMISSION ON METROPOLITAN TORONTO

149 The Report of The Royal Commission on Metropolitan Toronto by Senator H. Carl Goldenberg in 1965 recommended that in the newly established area municipalities an executive committee "consisting of the mayor and four members elected by the council from among its members" be established in place of a board of control.

150 Senator Goldenberg's remarks concerning the board of control are as follows:

"The existing boards of control are in effect executive committees of council but they are elected separately and, like the mayor, at large. The history of municipal politics in the Toronto area shows that this system has not tended to produce harmony in council. With both the mayor and the controllers elected at large, there tends to develop a competition for popular support which accentuates division within the board. Relations with council are also affected where the executive and the councillors are elected separately and on a different basis. Election of the executive committee by city council, in addition to reducing unnecessary friction and rivalries, would make the executive more responsive and responsible to the legislative body in conformity with our concept of responsible government."

OPINION OF THE COUNCILS INVOLVED

151 16 of the 25 Ontario councils that are required or authorized to establish the system, or 64% of them, have sought and obtained approval to reject the system. 13 of these 16 councils have elected to establish a form of the council-CAO system.

A typical organization chart of a municipality that has adopted the council-board of control system is presented in Table A. Summarized below the chart are the main features of the system.

In order to illustrate the system further, decision-making processes of the City of Hamilton are illustrated in Table B.

CONCLUSIONS

152 *The council-board of control system is indigenous to Ontario. The system's most unusual feature is the board of control which, essentially, is an "elected executive" committee of the council. The system is almost unique in the world; the only other local governments that are similar are to be found in certain sections of Switzerland.*

153 *The provisions of the statute with regard to the board of control are almost identical to what they were 69 years ago.*

154 *The distinguishing features of the council-board of control system are as follows:*

- (a) *The council is composed of two separate and distinct groups – one of the groups, the board of control, is elected at large and is granted special and unusual powers; while the other group, the councillors, is elected by ward and is not granted special and unusual powers.*
- (b) *A system of administrative committees of the council is established.*
- (c) *A system of co-ordinated administration at the officer level is not established.*

- (d) *The local governmental powers are dispersed, very widely, between the council and a large number of local boards and agencies.*
- (e) *The structure of the corporation and the local boards and agencies is extremely complex.*
- (f) *The nature of the powers and duties of the three classes in the council gives rise to conflict and rivalry and to a lack of unity and loyalty in the system.*

155 *The great majority of the municipalities that have established the system have done so essentially because the applicable provisions of The Municipal Act were mandatory and alternatives were not available. These municipalities have displayed surprisingly little criticism of the special and unusual powers of the board of control. However, 16 of the 25 Ontario councils that are required or authorized to establish the system, or 64% of them, have sought and obtained approval to reject the system!*

156 *Unlike the chairman of the council of the metropolitan and of some of the regional municipalities, the mayor in the council-board of control municipalities does not attempt to assume responsibility for the duties of a CAO of the corporation.*

157 *The council retains and exercises all of the administrative powers of the corporation by the establishment of a board of control and a system of administrative committees. The members of the board and of the committees allocate their time and energy primarily to the administration of the corporation, including the supervision of the COs. The board of control is the chief administrative agent of the council – this responsibility is not assigned to a CAO, to a board of officers or to a committee of officers – to be carried out under the control and direction of the elected members.*

158 *One of the prime characteristics of the system, as in all bicameral or two-group systems, or in systems where there is a separation of powers, is that rivalry and conflict exist between the members of the two groups in the council – actually, there are three groups in the council because one of the groups, the board of control, is, itself, comprised of two groups, namely, the mayor and the controllers.*

159 *The distribution of the local governmental powers in a council-board of control municipality is extremely complicated. Therefore, the practices and the procedures that are required to meet the needs of the system are complicated and time-consuming and therefore costly.*

160 *The provision in The Municipal Act that requires a 2/3rds vote of all of the members of the council, if certain of the recommendations of the board of control are to be altered or rejected, is unwarranted and unnecessary and offends against one of the basic concepts of democracy! One person, one vote!*

161 *Because of the dispersal of the local governmental powers, not only among a large number of local boards and agencies but also within the council itself; the council-board of control system is in great need of unity, cohesion and loyalty.*

162 *Similarly, because of the dispersal of the local governmental powers under the system and because of the incredibly complicated organization structure; it is not possible for the electors to determine either responsibility or accountability for the exercise of the local governmental powers. What is the result? Public confusion! Public apathy!*

163 *On the assumption that the intent of the applicable legislation is that the board of control be the executive committee of the council, the legislation does not meet the need of a modern, progressive municipality for such a committee.*

164 *The system is wasteful of the relatively few persons who are prepared to be candidates for local public office. The unsuccessful candidates for the office of mayor and the unsuccessful candidates for the office of controller are lost to local public office. Frequently these candidates are the most diligent and experienced members of the council.*

165 *One of the most serious disadvantages of the system is that not only a candidate for mayor but also a candidate for controller must be able to finance the cost of an election at*

large. Many potential candidates cannot do so from their personal resources and do not wish to do so from the contributions of others – particularly of special-interest groups!

166 Because there are three classes of members in the council the system does not lend itself to the establishment of local party politics. Unity in the council is essential to effective local party politics!

167 The board of control co-ordinates and directs the COs in the administration of the departments. This specialized, difficult and time-consuming duty is not assigned to a CAO, to a board or committee of COs or to a strong mayor. This feature of the system raises the question, “If the decisions of the council are to be taken by well-informed members, if the corporation is to be administered effectively, should the responsibility for the co-ordination of the direction of administration be assigned by the council to a committee of its members or to a CAO or a board or committee of CAOs?”

168 The acceptance of the recommendations of,

- (a) Chapter III concerning
 - (i) the duties of the head of the council,
 - (ii) the statutory statement that he is the chief executive officer of the corporation,
 - (iii) his election or selection, and
 - (iv) the appointment by the council of a CAO, and of
- (b) Chapter IV concerning
 - the delegation of the powers of the council, and of
- (c) Chapter VII concerning
 - the statements of the duties of the officers, and of
- (d) Chapter IX concerning
 - (i) a revised statutory statement of the duties of the CAO,
 - (ii) the promotion of the adoption of the Ontario–Council-CAO system (the system is ideal for the smaller of the municipalities that, at present, use the council-board of control system) and
 - (iii) the development of facilities to train municipal officers

would contribute greatly to an improvement of the decision-making processes of the municipalities of this Chapter.

169 The following question has not been asked, nor has it been answered, with regard to the council-board of control municipalities, namely, “What powers and duties of the municipal corporation should be retained and exercised by the members of the council and what powers and duties should be delegated and assigned to the officers, to be exercised subject to the policies and the direction of the council?”

RECOMMENDATIONS

170 Sections 201 to 206 inclusive, of *The Municipal Act* be repealed. These sections provide for,

- (a) the conditions under which a board of control shall, may or may not, be established,
- (b) the separate election of members of the board of control and of the other members of a council, and
- (c) the powers and duties of a board of control, including the restriction imposed on the council under which certain of the recommendations of the board may not be altered or rejected by the council, without a vote of 2/3rds of all of the members of the council.

Since the powers and duties of a board of control apply *mutatis mutandis* to the executive

committees of Metropolitan Toronto and of Regional Ottawa-Carleton, the repeal of the powers and duties of a board of control would effect these municipalities.

171 *A statement of the duties of an executive policy committee of the council be enacted in the appropriate statutes. The statement reflects the concept that the members of the committee are responsible to, and should be responsive to, the council. The statement be in modern, definitive, but general terms and state, clearly, the duties that shall be, and the duties that may be, assigned by the council to the committee.*

172 *The 3 to 5 largest municipalities be authorized by statute to establish an executive committee of the council to be selected* by the members of the council from among themselves. The head of the council be a member, ex-officio, of the committee but not be burdened with the chairmanship of the committee.*

173 *TE&IA actively promote to the councils of the council-board of control municipalities*

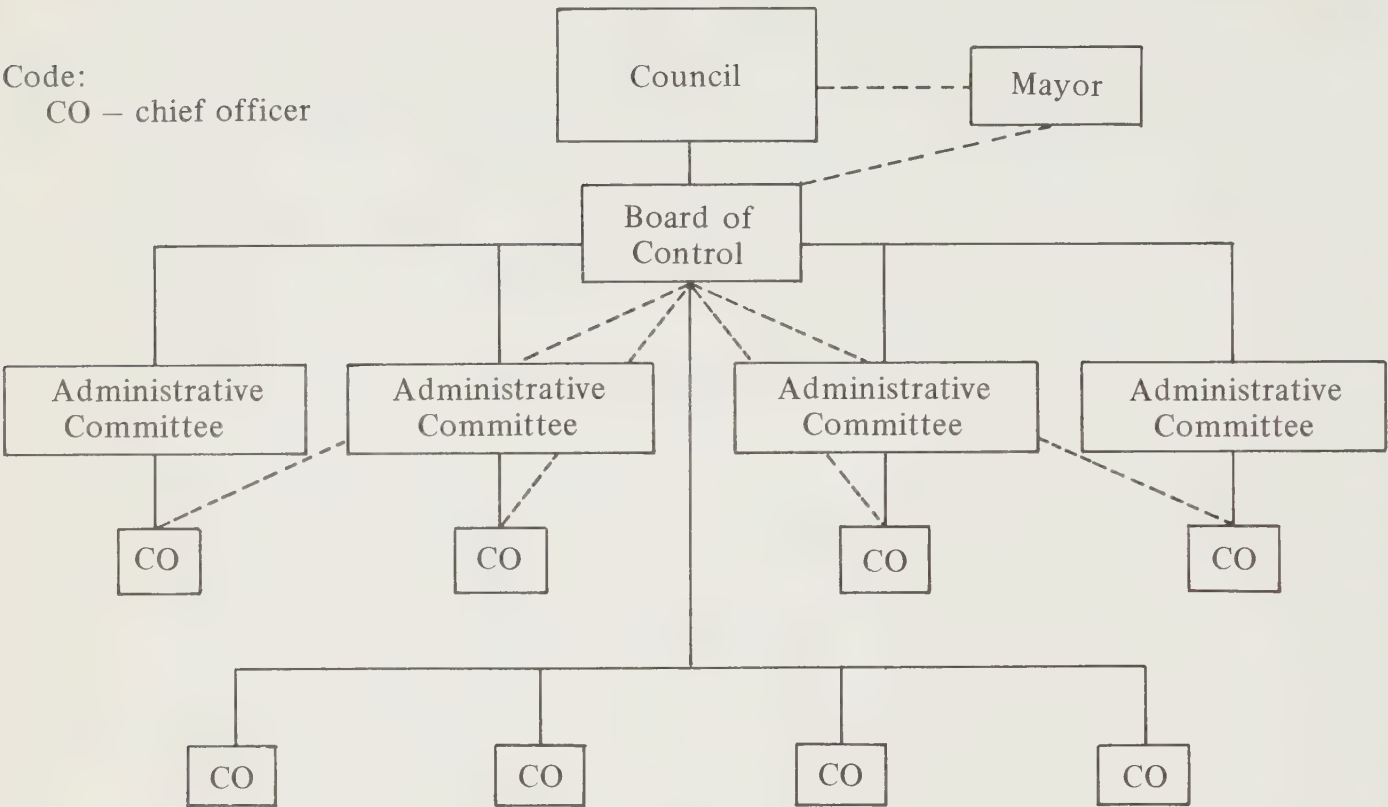
- (a) *the withdrawal of their systems of administrative committees of the council,*
- (b) *the substitution therefor of*
 - (i) *a policy committee of the whole council, in the smaller of the municipalities,*
 - (ii) *2 or 3 policy committees of the whole council, in the larger of the municipalities, and*
 - (iii) *an executive policy committee of the council and 3 or 4 policy committees of the whole council, in the largest of the municipalities.*
- (c) *the concept that, in the best interests of the corporation, the councillors and the public, the councillors,*
 - (i) *allocate the bulk of their time and energy to prime concerns such as the establishment and the goals, objectives, priorities and policies of the corporation and to other concerns such as representation and inter-governmental*
** affairs and much less of their time and energy to the administrative and technical aspects of the duties of the corporation, and*
 - (ii) *assign to a CAO the responsibility to establish, with the assistance of the COs, a system of co-ordinated administration at the officer level, subject to the policies and the direction of the council.*

174 *The powers and duties of the local boards and agencies, with a few exceptions, be transferred to the municipal corporation.*

*This method of selection would not be applicable in metropolitan or regional municipalities.

Table A

ONTARIO'S COUNCIL-BOARD OF CONTROL-COMMITTEES-NO CAO SYSTEM
(9 odd municipalities)



Main features of the structure

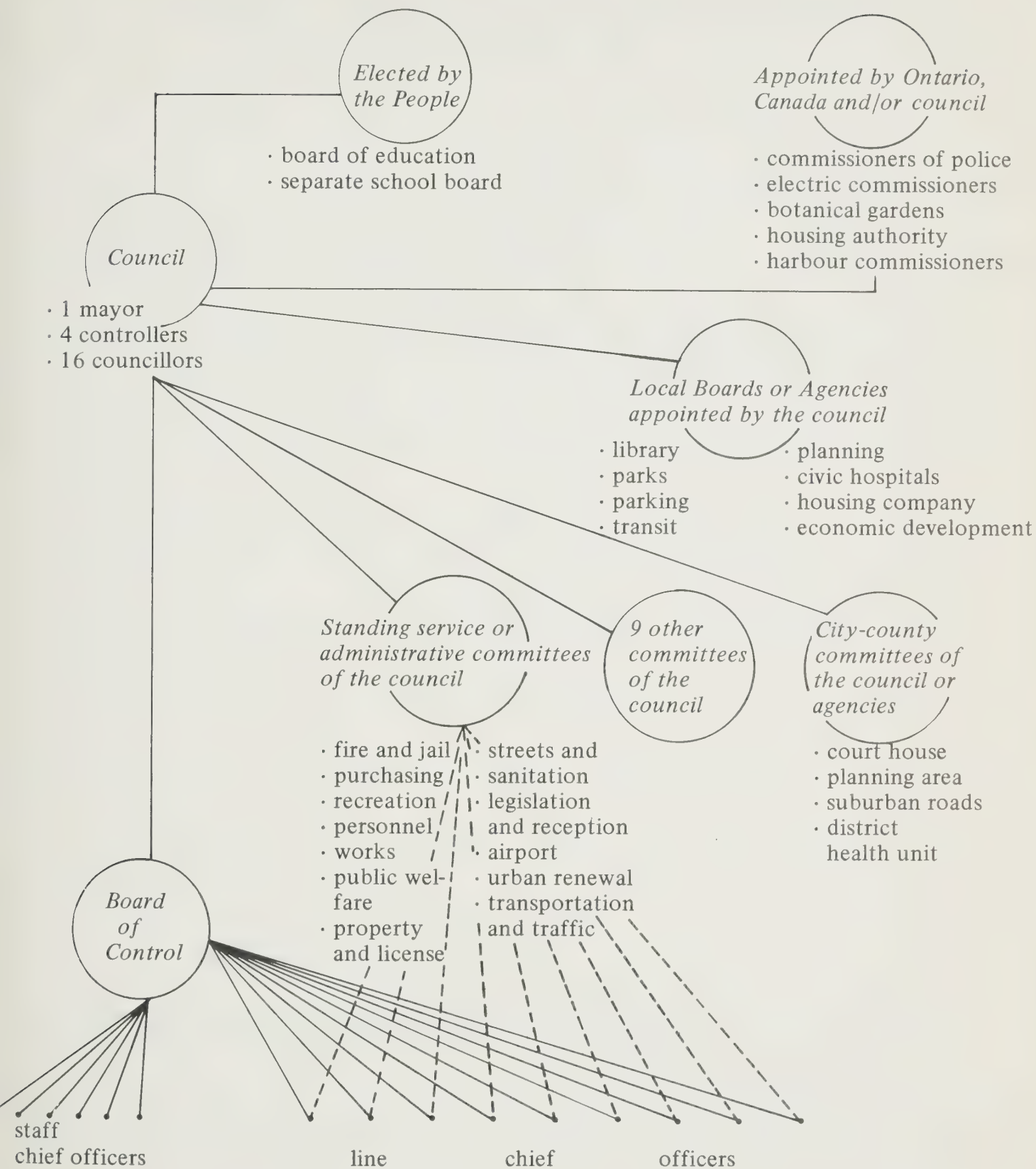
- (a) the council (the members are elected by ward) is required to exercise the powers of the municipal corporation
- (b) the mayor (elected at large) is the head of the council; the chairman of the board of control; his powers are nominal
- (c) the mayor is not full-time; does not assume responsibility for executive and administrative co-ordination to the extent that the chairman of metropolitan and certain regional municipalities do
- (d) the council is bicameral; its unity is not maintained
- (e) the council establishes a series of administrative committees to report and recommend to the council
- (f) the board of control (elected at large) is granted statutory power to initiate and to control certain types of recommendations to the council
- (g) central management and co-ordination of the municipality's affairs are exercised by the board of control; the administrative committees report to the council, usually through the board of control
- (h) a CAO is not appointed, the efforts of the COs are not co-ordinated and directed by a trained and experienced CAO
- (i) the COs of the staff departments report to the board of control; the COs of the line departments report to one of the administrative committees; the reporting of the COs is confusing
- (j) co-ordination and direction of the COs is weak
- (k) the council is not authorized to delegate any of its powers

Notes:

- (1) ————— line of command; ---- service or information relationships

Table B

CITY OF HAMILTON
Council-board of control-committees-no CAO system



Note:

- The department heads who report to the board of control: clerk, treasurer, solicitor, auditors, architect, building inspection
- The department heads who report to an administrative committee and to the board of control:
 works, streets, property, fire, recreation, welfare, personnel, traffic, purchases

Ontario's Council-Chairman-Executive Committee Committees-No CAO System

INTRODUCTION

- 1 This Chapter deals with the last of the 5 systems of municipal decision-making in Ontario.
- 2 Ontario's council-chairman-executive committee-committees-no CAO system (hereinafter referred to as Ontario's council-executive committee system) has been established in Metropolitan Toronto and in Regional Ottawa-Carleton.
- 3 The decision-making processes in the Toronto urban area, exclusively, are described and discussed in the Chapter. In the Ottawa-Carleton urban area, these processes were derived from the Toronto area and are almost identical to the processes that are described in this Chapter.
- 4 Since the decision-making processes of the system, with the exception of the method for the selection of the council, were derived from the council-board of control system, the descriptions and discussions of Chapter X are referred to, rather than be repeated, in this Chapter.
- 5 The Chapter commences with an outline of the origin and development of the system. The distinguishing features of the system, as they compare to the distinguishing features of the council-board of control-committees-no CAO system, are then presented.
- 6 The powers, duties and role of the chairman, the executive committee, the council, including its administrative committees and the heads of the departments, the other officers and employees are described and discussed in detail.
- 7 Comments are made concerning the significance of the local boards and other local agencies.
- 8 The weaknesses of the system, as they compare to the weaknesses of the council-board of control-committees-no CAO system, are presented.
- 9 The Chapter concludes with a number of comments by Dr. Frank Smallwood concerning some of the prime factors that have influenced the effectiveness of decision-making processes of the system in the Toronto urban area.
- 10 Conclusions are drawn. A recommendation is made.

ORIGIN AND DEVELOPMENT OF THE SYSTEM

- 11 Ontario's council-executive committee system was devised in the mid '50s to meet a financial and a municipal services crisis in the Toronto urban area.
- 12 In spite of the mounting municipal crisis, there was a sharp cleavage of opinion in the Toronto urban area at that time, concerning the nature of the changes that were required in the structure of the local governments of the area, if local government was to be in a position to meet the crisis and to provide an acceptable standard of municipal services to the citizens of the area.
- 13 What was the nature of this cleavage and, in view of the political realities in the area, what were the objectives of the persons who were developing Ontario's council-executive committee system?
- 14 Dr. Frank Smallwood, in his appraisal of Toronto's metropolitan government, expressed the opinion that,

“Toronto’s new government, the first, full-scale North American experiment in metropolitan integration, was an interim product of conflict and compromise between the central city demanding full-scale amalgamation of all neighboring communities and its adjacent suburbs insisting upon retaining their local autonomy”,

while the Report of the Ontario Municipal Board under the chairmanship of the late Dr. Lorne R. Cumming, in which the establishment of the new government was recommended, states:

“Quite frankly – the board – attempted to prepare a plan – acceptable and practicable and not too far in advance of the existing level of public opinion –”

15 The result was the establishment of a modified type of the Ontario county – a federation of the municipalities in the Toronto urban area. The federated municipality was called a metropolitan municipality.

16 The Toronto urban area’s council-executive committee system was adopted, in the late ’60s, to meet the needs of the Ottawa urban area and, in rapid succession, but to a much lesser extent, to the urban needs of the Niagara, York and Muskoka areas.

17 During the development of the Toronto urban area’s metropolitan municipality, there was a strong wish to satisfy the needs of service (the economical discharge of public functions and the adequacy of municipal services in response to public needs and desires); without sacrificing an “adequate” standard of access (the widest possible participation by all citizens in the taking of local public decisions).

18 The existence of the wish “to preserve, to the greatest possible degree, the local autonomy of the area municipalities”, led to a rejection of a single, urban-oriented county.

19 However, whereas Ontario’s counties had not thought of themselves as a “federation” of municipalities, the persons who were responsible in the ’50s for the development of the Toronto urban area’s new government emphasized and promoted the concept that The Municipality of Metropolitan Toronto is, in reality, a federation of municipalities.

20 Prior to the establishment of Metropolitan Toronto, the lands served by Ontario’s cities and separated towns had been excluded, for generations, from the lands that were served by the rural-oriented counties.

21 The essential structural element, perhaps, of the solution to the Toronto area’s urban crisis was the establishment, for the first time in Ontario’s history, of a county that was oriented to the demands of urbanization and the inclusion in the new county of the City of Toronto and of 12 towns, villages and townships that had previously been served by the rural-oriented County of York.

22 *AN ONTARIO CITY, FINALLY, HAD BEEN TAKEN INTO AN ONTARIO COUNTY.*

23 At the time that the council-executive committee system was being formulated, the over-riding concerns were with matters such as the establishment of

- a system of uniform assessment for the Toronto urban area,
- a system to allocate the credit of the municipalities in the area to finance the costs of water, sewer, transportation, education and other facilities that were needed so urgently and to apportion the costs,
- a system to plan, construct and maintain the public works and other facilities of the area,
- the composition of the council of the new government,
- etc., and

not with the theories of the decision-making processes of the new metropolitan municipality. It appears, for instance, that a comparative study of the systems of local decision-making in Ontario and in other jurisdictions was not prepared at the time of the establishment of the new system.

24 At that time, the decision was taken to adopt a set of decision-making processes that were

derived, essentially, from the processes of the Ontario counties and of the council-board of control municipalities. These processes were familiar to those who were devising the new system and they were familiar, also, to the elected and appointed officials who would be required to manage and administer the affairs of the new federated municipality and its area municipalities.

25 The Ontario council-executive committee system – which came into effect on January 1, 1954 – almost 20 years ago – combines,

From Ontario’s county municipalities

- (a) *the system for the composition of the council* – the mayors and other local political leaders of the area municipalities are members, automatically, of the metropolitan council, by virtue of their constituency position,

From Ontario’s council-board of control municipalities

- (b) *the executive committee of the council*, with its special and unusual powers that are identical to the powers of the board of control – the members of the executive committee are members of the committee, automatically, by virtue of their constituency position,
- (c) *the system of administrative committees of the council*,
- (d) *the absence of a system of co-ordinated administration at the officer level* – the staff COs report to the executive committee, while the line COs report to one of the administrative committees of the council, while

From the persons who devised the new system

- (e) *the office of the chairman of the council* – the duties of the office are not described in the statute – the chairman assumes the roles, not only of the head of the council and leader of the council but, also, of the chief administrative officer of the metropolitan corporation.

26 The preceding paragraph discloses that the decision-making processes of the council-executive committee system, with the exception of the method for selection of the council and the office of the chairman of the council, are derived from Ontario’s council-board of control system. As a matter of fact, many of the administrative practices and procedures of the Metropolitan Toronto council and of the Metropolitan Toronto corporation were adopted from the practices and procedures of the City of Toronto by the first COs of The Municipality of Metropolitan Toronto. The first key COs of the new metropolitan corporation had been COs of the City of Toronto for many years.

DISTINGUISHING FEATURES OF THE SYSTEM

27 In order to illustrate the similarities between the council-executive committee system and the council-board of control system, and to highlight the significant differences between the systems, the distinguishing features of the latter system, as described in paragraph 43 of the previous chapter, are compared with the distinguishing features of the former system in this section. This paragraph should be read, at this time, as an integral part of this section.

Distinguishing features of the Council-board of control system	Distinguishing features of the Council-executive committee system
(a)	(a)
2 separate and distinct groups in the council	2 separate, but not quite so distinct, groups in the council
· the members of the board of control – the mayor and controllers – are elected at large	· each member of the council and each member of the executive committee is a member by virtue of his position on

	the council of one of the federated municipalities
the councillors are elected by ward	the last two chairmen of the council have been selected by the members of the council from among themselves
(b)	(b)
The board of control usually acts as the executive committee of the council and supervises the work of the staff COs and the staff departments; in addition, the council establishes a system of administrative committees of the council to supervise the work of the line COs and the line departments	Identical
(c)	(c)
Certain of the recommendations of the board of control to the council, according to the statute, may not be rejected unless 2/3rds of the members of the council vote against the recommendation	Identical: these special and unusual powers of the board of control apply mutatis mutandis, to the executive committee
(d)	(d)
A system of co-ordinated administration at the officer level is not established; a CAO, or a board of COs, is not appointed	Identical
(e)	(e)
Local governmental powers are dispersed very widely to local boards and local agencies	Similar, but not to the same degree
(f)	(f)
The organization structure is extremely complex	Similar, but not to the same degree
(g)	(g)
The power and duties of the 3 classes within the council give rise to conflict	Conflict is lower and is of a different character
(h)	(h)
The mayor's roles are, essentially, those of head of the council, leader of the council and a leader of the community	The chairman's roles are those of the head of the council, the leader of the council, a leader of the community and also <i>the CAO of the corporation</i>
The mayor's administrative role is minor	

CHAIRMAN

28 The chairman of the council is, by statute, the head of the council and the chief executive officer of the metropolitan corporation. He presides at the meetings of the council and of the executive committee. He may call special meetings of the council. He is not granted a vote in the council, except in the case of a tie, but he is granted a vote on the executive committee of the council. The chairman's powers are nominal!

29 The last 2 chairmen of the council were selected by the members of the council from among their members.

30 The office of chairman combines the historic offices of warden of a county and the equally historic office of the mayor of a city, with the more modern office of the CAO a major municipal corporation. The office in Metropolitan Toronto is full-time. As such, the incumbent is the focal point, not only for the development and the formulation of the policies of the council, but, also, for the co-ordination of the administrative work of the COs and the other officers of the corporation.

31 The role of the chairman of Metropolitan Toronto is described and discussed in paragraphs 74 to 94 of chapter III. These paragraphs should be read, at this time, as an integral part of this section. The detailed comments are not repeated in this section. The salient findings of these paragraphs are as follows.

- (a) The duties of the chairman of the council are not described in the statutes either in his capacity as the head of the council or in his capacity as the CEO of the metropolitan corporation.
- (b) The chairman of the council performs the role of the head of the council, the leader of the council, a leader in the community, the person responsible for the initiation of the solutions to the corporation's most pressing problems and, in addition, according to the Report of the Commission of Inquiry of the late '50s, the chairman should *"be the chief executive officer responsible for continuous and detailed supervision and correlation of the work and activities of all the administrative departments –"*.
- (c) *On the basis of the work that is described in clause (b), the chairman of the Metropolitan Toronto Council is expected to do work which, in other major cities in Canada, the United States and in England, is the work of two and, in some cases three, persons; namely*
 - (i) *the work of the head of the council,*
 - (ii) *the work of the leader of the council, and*
 - (iii) *the work of the CAO of the municipal corporation!*

32 *The imposition of such a burdensome workload on a single person is not in the best interests of the person involved, the municipal corporation or the citizens of the Toronto urban area!*

33 Mr. J.A. Kennedy, the Chairman of the Ontario Municipal Board and the Commissioner of the Sudbury Area Study, in his Report of May 27, 1970, concerning the structure, organization and method of operation of local government in the Sudbury area, expressed the following opinion concerning the desirability of imposing on a single person the work of the chairman of the council and, also, the work of the CAO of the municipal corporation.

"The recommendation in this report is that the chairman of the regional council be just that, chairman of the regional council, and not the chief administrative officer. It is the strong recommendation of this report that neither the chairman nor the council engage in duties of administration. It should be the function of the council to enact legislation within its jurisdiction and set policy. There should be a chief administrative officer appointed by the council to see to the enforcement of that legislation and the carrying out of that policy."

EXECUTIVE COMMITTEE

34 The Municipality of Metropolitan Toronto Act did not provide, initially, for the establishment of an executive committee of the council.

35 However, the Act did provide, initially, that the council could establish "standing and other committees" of the council. Under this provision, the council, in 1954, established an executive committee of the council and assigned to the committee duties that were almost identical to the duties of a board of control.

36 The "somewhat doubtful position" of the committee was raised in a number of briefs

that were presented to the Metropolitan Toronto Commission of Inquiry in the late '50s. These briefs recommended that the Metropolitan council be granted the power by statute to "delegate to such a committee any or all of the powers of a board of control" provided that the "2/3rds-vote-requirement" of The Municipal Act concerning certain of the recommendations of a board of control was made applicable to the recommendations of the committee.

37 The Commission of Inquiry did not conduct a study of the nature and the significance of the special and unusual powers of a board of control. The commission supported the recommendations of these briefs in its recommendations to the government.

38 Subsequently, the act was amended to provide that the powers and duties of a board of control, as provided for in The Municipal Act, apply mutatis mutandis to the council's executive committee.

39 The committee is composed of the chairman of the council, the mayors of the City of Toronto and of each of the 5 boroughs and the 4 aldermen-members of the City of Toronto's Executive Committee. Each member of the committee, with the exception of the chairman, is a member by virtue of his position on the council of one of the federated municipalities.

40 In addition to its special and unusual statutory powers, the executive committee under the terms of the council's procedure by-law, is assigned many other administrative duties – including the duty to report to and recommend to the council with regard to any matter that has not been assigned by the council to one of its administrative committees.

41 The reports of the administrative committees to the council, according to the council's procedure by-law, are made through the executive committee.

42 The powers, duties and role of the executive committee are essentially the same as those of a board of control, as described and discussed in paragraphs 49 to 66 of chapter X. These paragraphs should be read, at this time, as an integral part of this section. The detailed comments are not repeated in this section.

43 The salient findings of paragraphs 49 to 66 of chapter X are as follows.

- (a) The separation of the powers of the council between the members of the board of control (in this Chapter, the executive committee) and the councillors gives rise to rivalry, a lack of unity and complicated relationships.
- (b) The duties of the board, as described in The Municipal Act, do not include many of the most significant duties of an executive committee of a council.
- (c) The board of control, because of its unwarranted and unnecessary special and unusual powers, is something more than an executive committee of the council.
- (d) A substantial portion of the time and energy of the members of the board is allocated to the supervision of COs and to matters of administration and, therefore, is not available for many of the prime concerns of the municipality.
- (e) The duties of a member of the board are demanding and are extremely time-consuming.

44 *The workload of the members of the executive committee of Metropolitan Toronto is exceedingly heavy!* Their duties include the duties not only of a member of Metropolitan Toronto's executive committee, its council and of at least one of its administrative committees of the council but also the duties of either the head of the council of one of the area municipalities (includes membership on a board of control or an executive committee, the council and one or more administrative committees) or of a member of Toronto's Executive Committee (includes membership on the council and one or more committees).

45 The manner in which the members of the executive committee of Metropolitan Toronto allocate their time and energy to the establishment of the goals, objectives, priorities, policies and the administrative responsibilities of two of the largest local governments in Canada has not been the subject of research. *However, it is obvious that the burdens of these members are heavy, indeed! The question should be asked "Are the burdens of these members excessive?" The question should be examined thoroughly, in the interests of effective local government in Ontario!*

46 One of the effects of the establishment, by statute, of an executive committee of the Metropolitan Toronto council, with its special and unusual powers, has been observed by Harold Kaplan, in his Functional Analysis of Metro Toronto, when he states that,

“The creation of the executive committee greatly reduced the importance of the other standing committees. These committees were now prohibited from communicating directly with the council. The executive committee, moreover, soon began initiating proposals on any and all policy matters, ignoring the other standing committees and sending executive-approved proposals directly to the council.”

COUNCIL AND ITS ADMINISTRATIVE COMMITTEES

47 As is the case with every other municipal council in Ontario, the Metropolitan Toronto council exercises the powers of the metropolitan corporation.

48 *The council has not been authorized to delegate any of its powers – even powers of a routine nature that involve the performances of duties of the corporation that are repetitive and regular and that are in accordance with the policies of the council.*

49 The power of the council of Metropolitan Toronto – Ontario’s largest municipality – insofar as delegation of its powers is concerned, is identical to the power of the council of the Village of Sturgeon Point in the County of Victoria – Ontario’s smallest municipality.

50 Each member of the metropolitan council, including the members of the executive committee, is a member by virtue of his position on the council of one of the federated municipalities.

51 The following is a summary of the composition of the council of Metropolitan Toronto (a) at the time of the establishment of the municipality and (b) at the time of the one change that has been made, to date, in the composition of the council.

	Members of the Metropolitan Council			
	as at January 1, 1954		as at January 1, 1967	
	Number	Percentage	Number	Percentage
City of Toronto	12	48%	12	36%
The other 12 area municipalities	12	48		
The other 5 area municipalities			20	61
	24	96	32	97
Chairman	1	4	1	3
Total	25	100%	33	100%

52 The summary discloses that, as at January 1, 1954, the number of the delegates from the City of Toronto to the Metropolitan council was equal to 48% of all the delegates; while, as at January 1, 1967 (and, as of the time of writing) the number of the City’s delegates was equal to 36% of the delegates. The City’s population, as January 1, 1970, was 34% of the population of the area municipalities.

53 The City of Toronto’s position on the powerful executive committee of the council – with its 2/3rds-vote-requirement – is much more favourable. If the chairman is excluded, the City’s delegates occupy 50% of the seats on the committee – 5 of 10 seats.

54 The powers, duties and role of the members of the council, which of course, includes the members of the executive committee, are essentially the same as the powers, duties and role of

the members of the council under the council-board of control system, as described in paragraphs 67 to 74 of Chapter X. These paragraphs should be read, at this time, as an integral part of this section. The detailed comments are not repeated in this section.

55 The salient findings of these paragraphs are as follows.

- (a) The decisions of the council are subject to the special and unusual powers of the board of control (in this Chapter, the executive committee).
- (b) In order to exercise the administrative powers of the corporation, the council uses the services not only of the board of control but also of a series of administrative committees.
- (c) The administrative committees under the council-board of control system possess the many serious disadvantages of such committees that are identified and discussed in paragraph 28 of chapter VIII.

56 The prime function of a member of the Metropolitan Toronto council, excluding the chairman, is to be a delegate from the council of one of the 6 federated municipalities to the council of the metropolitan municipality with the responsibility to

- (a) present the interests of his area municipality during the deliberations of the Metropolitan council, and
- (b) participate, with the other members of the council, in the reconciliation of (i) the interests described in clause (a), (ii) with the interests of each of the other 5 area municipalities and (iii) the interests of the entire Toronto urban area.

57 In connection with the functions of the members of the Metropolitan council and their attitudes to decision-making, Harold Kaplan, in his Functional Analysis of Metro Toronto, expresses the following opinions.

“The councillors were area officials first and metropolitan officials second.

“The councillors remain, essentially, committed to their area municipalities,

“The councillors’ chief concern has been to maintain regional parity in the distribution of funds and to transmit grievances to the chairman and the chief officers.

“The councillors supported the chairman a high percentage of the time.

“Intense conflict was rare – is restricted to matters relating to regional parity and to the structure and the continuance of the Metropolitan system.”

HEADS OF DEPARTMENTS, OTHER OFFICERS AND EMPLOYEES

58 Under the council-executive committee system the duties and the role of the heads of the departments, the other officers and employees of the corporation are, essentially, the same as under the council-board of control system, as described in paragraphs 75 to 81a of Chapter X. These paragraphs should be read, at this time, as an integral part of this section. The detailed comments are not repeated in this section.

59 The salient findings of these paragraphs are as follows.

- (a) The administrative powers of the municipal corporation are retained and exercised by the council, on the recommendation of the board of control (in this Chapter, the executive committee) and the administrative committees. Detailed and costly systems have been developed in order to pass a vast volume of recommendations from the departments to the COs, to the committees, to the board of control and, eventually, to the council.
- (b) *There is essentially a void insofar as the co-ordination of the COs is concerned. Some COs report to the board, some report to one of the committees. The COs do not report to a CAO! The board attempts to co-ordinate, but the members do not possess the time, inclination or experience necessary.*
- (c) The leadership, co-ordination, direction, reporting and accountability of the COs is not clear and is usually confused in the minds of the members of the board, the administrative committees, the COs and the other officers and employees.

- (d) Since the council is not authorized to delegate the administrative powers of the corporation, the great advantages of the principles of “management by exception” may not be used in the administration of the affairs of the corporation.
- (e) The training and experience of the COs is not used to best advantage.
- (f) The absence of an effective system for the direction of the COs and the other officers increases, sharply, the management problems of the COs as they relate to the leadership and supervision of the employees.

60 The roles of the head of the council of Metropolitan Toronto are thoroughly discussed in paragraphs 74 to 94 in Chapter III. These paragraphs should be read, at this time, as an integral part of this section.

61 *One of the findings of these paragraphs is that under Metropolitan Toronto’s system of decision-making, the chairman of the council is expected to assume the duties of (a) the head of the council, (b) the leader of the council (an entirely separate and distinct duty), (c) a leader of the local community and, also, (d) the duties of the CAO of the metropolitan corporation. In other large local governments these are the duties of two, and in some cases three, persons.*

LOCAL BOARDS AND OTHER LOCAL AGENCIES

62 The local governmental powers are not as dispersed under Ontario’s council-executive committee system as they are under the council-board of control system.

63 There are more local boards and other local agencies in the average council-board of control municipality than there are, for instance, in Metropolitan Toronto.

64 The reasons for this difference are historic. They are related to the fact that council-board of control municipalities are local municipalities and, as such, they are required to provide a wider range of local services of an immediate and direct nature than is Metropolitan Toronto.

WEAKNESSES OF THE SYSTEM

65 Since many of the elements of the council-executive system are derived from the council-board of control system, the weaknesses of the two systems are quite similar. The weaknesses of the council-board of control system are identified and discussed thoroughly in paragraphs 108 to 145 of Chapter X. These paragraphs should be read, at this time, as an integral part of this section.

66 In order to summarize the weaknesses of the decision-making aspects of the system, and to highlight the differences between the weaknesses of the system and the council-board of control system, a brief comparison of the weaknesses of the systems is presented in this section. The weaknesses are presented in the comparison in the same order as they are identified and discussed in chapter X.

Weaknesses of the council-board of control system	Weaknesses of the council-executive committee system
(a)	(a)
Weaknesses from other systems	Weaknesses from other systems
The council is bicameral	The council is unicameral
A separation of powers	A separation of powers
The local governmental powers are dispersed widely	Similar, but not to the same degree
A “weak” mayor is elected at large	A chairman of the council is selected by the councillors from among themselves
The councillors exercise the administrative powers of the corporation	Identical

A system of administrative committees of the council is established to supervise the COs of the line departments

(b)

Allocation of time and energy

The time and energy of the members of the council is diverted from matters of policy to matters of administration

(c)

Democratic concept

The “2/3rds-vote-requirement” is unwarranted and unnecessary

(d)

Conflict in the council

Conflict and rivalry prevails between the members of the three classes in the bi-cameral council

(e)

Incredibly complex structure

The system is extremely complicated

(f)

Absence of unity and understandability

Power is dispersed in the council and to numerous local boards and agencies

Impossible for the public to determine responsibility

(g)

Statement of powers and duties

The statutory statement of the powers and duties of the board of control as a finance committee, or as an executive committee, is incomplete and inadequate

(h)

Candidates for local public office

The system discourages candidates and is wasteful of them

Similar: however, the members of the Metropolitan committees, because they are members of 2 councils, cannot allocate as much time to the supervision of the COs as they otherwise would

(b)

Allocation of time and energy

Similar, but not to the same degree

(c)

Democratic concept

Identical

(d)

Conflict in the council

Conflict is at a lower pitch

Relationships are centred more on the issues, than on the personalities

(e)

Incredibly complex structure

Similar, but not to the same degree because there are fewer local boards and agencies

(f)

Absence of unity and understandability

Similar, but not to the same degree

Identical, not because of the dispersal of power, but because of the difficulty of determining accountability in a federated municipality

(g)

Statement of powers and duties

Identical

(h)

Candidates for local public office

The members of the council are not elected by the electors

(i)	(i)
Local party politics	Local party politics
The system does not lend itself to local party politics	Identical
(j)	(j)
Co-ordinated administration at the officer level	Co-ordinated administration at the officer level
The members of the council supervise the COs	Similar, but not to the same degree
The duties of the COs and their lines of reporting are not clear	Identical
Co-ordination is not adequate	Identical
The services of the COs are not used to best advantage	Identical
(k)	(k)
A system of delegation of powers	A system of delegation of powers
The council is not granted the power to delegate any of the corporation's powers; as a result, the time and energy of the members and officers is not used to best advantage; the principles of "management by exception" may not be used	Identical
A vast volume of reports is produced; the preparation of the reports is time-consuming, particularly, of the time of the COs; and is expensive	Identical

FACTORS IN THE EFFECTIVENESS OF THE SYSTEM

67 This analysis and discussion of the decision-making processes in the council-executive committee system is concluded by citing a few quotations from Dr. Frank Smallwood's work entitled Metro Toronto: A Decade Later.

68 These quotations from Dr. Smallwood are concerned with the nature of the decision-making processes in the Toronto urban area.

"Local political leaders in the area municipalities helped to formulate the new Metro programs. Such an arrangement had the practical effect of diverting potential political attacks away from a wide open external assault against the basic concept of the new metropolitan governmental program."

"These leaders were involved in the formulation of Metro's policies, they understood what those policies were all about, and they were in a position to translate the significance of the policies to their local communities."

"Metro has been relatively immune from external political attack largely due to the inclusion of local political leadership in its council."

"Policy has been to place emphasis on tangible public works and to attack those problems where results could be immediate, concrete and apparent."

"The Metropolitan Toronto Council has been considerably more aggressive in tackling the so-called "hard core" problems where results are concrete and obvious, and considerably less assertive in meeting some of the "softer", more socially-oriented issue areas where results are, usually, less tangible and more controversial." — public housing and land use control.

“Much of Metro’s original sense of purpose was actually embodied in the dynamic personage of the first chairman (Frederick G. Gardiner) rather than in any independently conceived central philosophy – once he had stepped down from his chairmanship post, he left a void that has threatened to undermine the subsequent success of the Metro operation during more recent years.”

69 The prime factor in the effectiveness of the Metropolitan Toronto system was the decision of the Government, in the ’50s, to establish a federated municipality, to select the councillors from area municipalities that were, at the time, in desperate and urgent need of services, and to grant to the federated municipality the power to plan, construct, finance and maintain these urgently-needed services. The decision faced the members of the Metropolitan Toronto Council with the necessity of exercising the powers of the metropolitan corporation and of making the system work!

70 This Study has not examined the concept of The Municipality of Metropolitan Toronto as a federation of area municipalities but, as a part of a wider review, the Study has examined the manner in which

- (a) the Metropolitan Toronto Council exercises the executive and administrative powers of the metropolitan corporation,
- (b) the executive committee of the council and the administrative committees of the council advise the council in the exercise of its powers,
- (c) the head of the council advises the executive committee and the council and assumes the role of CAO of the metropolitan corporation, and
- (d) the COs advise and assist the head of the council, the members of the executive committee and the administrative committees.

As a result of this examination, a number of conclusions have been reached with regard to the manner in which the decision-making processes in the metropolitan corporation are structured and operated. These conclusions are stated in the next section of this Chapter.

CONCLUSIONS

71 *Metropolitan Toronto’s council-chairman-executive committee-committees-no CAO system (which has been adapted to the needs of Regional Ottawa-Carleton) was “an interim product of conflict and compromise, between the central city demanding full-scale amalgamation of all neighboring communities and its adjacent suburbs insisting upon retaining their local autonomy”.*

72 *Metropolitan Toronto’s system is essentially a combination of the structure of Ontario’s county municipalities and its council-board of control-committees-no CAO municipalities.*

73 *The distinguishing features of the system are the same as those of the council-board of control system (paragraph 154 of Chapter X), with two exceptions, namely,*

- (a) *the method for the selection of the council (adapted from the Ontario counties), and*
- (b) *a chairman of the council – who assumes the duties of the CAO of the corporation in addition to the duties of the head of the council, the leader of the council and a leader of the community*

74 *The prime function of a member of the Metropolitan Toronto council, excluding the chairman, is to (a) be a delegate from one of the area councils to the metropolitan council (b) represent the interests of his area municipality and (c) reconcile the interests of each area municipality with the interests of the entire area.*

75 *The chairman of the council is the head of the council, but unlike the head of the council of other municipalities, the duties of the chairman, as the head of the council, are not described in the statute.*

76 *The chairman of the council is the head of the council and the leader of the council. In addition, he is expected to be a leader of the local community and the CAO of the*

metropolitan corporation. In other major local governments in Canada, the United States and England, the work of the chairman of the council of metropolitan Toronto is the work of two, and in some cases, three persons. The imposition of such an extremely heavy workload is not in the best interests of the person who is chairman, the other members of the council, the COs, the corporation and, of course, the citizens of the area.

77 It is questionable, to say the least, if any person possesses the time and energy to assume responsibility (a) for the initiation of the goals, objectives, priorities, policies, etc. of a major municipality in the 1970s, (b) to lead the council in the formulation of these prime concerns and, at the same time, (c) to lead, co-ordinate and direct the COs of such a municipality, with their diverse and complicated problems.

78 Insofar as the remainder of the elements of the Metropolitan Toronto system are concerned, many of the conclusions of Chapter X with regard to the council-board of control system are applicable to the system. The following conclusions of Chapter X are particularly applicable.

- (a) The system diverts the time and energy of the members from matters of policy to matters of administration.*
- (b) The 2/3rds-vote-requirement with regard to the recommendations of the executive committee is unwarranted and unnecessary.*
- (c) The system's separation of powers gives rise to unnecessary conflict.*
- (d) The practices and procedures of the system are complicated, time-consuming and, therefore, costly.*
- (e) The duties of the executive committee, according to the applicable Statute, do not include the most significant duties of an executive committee or a finance committee of the council.*
- (f) A system of integrated administration at the officer level has not been established and, as a result, the members of the council including, in particular, the chairman of the council, are required to allocate the bulk of their time and energy to the supervision of COs and to matters of administration, rather than to matters of policy, representation, etc.*
- (g) The system of administrative committees of the council possesses the disadvantages of such committees that are identified and discussed in chapter VIII.*
- (h) There is a void in the co-ordination of the COs. Some COs report to the executive committee. Other COs report to the administrative committees. COs do not report to the chairman of the council. They do not report to a CAO. The reporting of the COs is confused – this is an extremely significant weakness!*
- (i) Because the council does not possess the power to delegate any of its executive and administrative powers, the principles of "management by exception", which are used in other systems of local government decision-making in Canada, the United States and England, may not be used in Metropolitan Toronto and, as a result, the time and energy of the elected members and the officers are not used to best advantage.*

79 The workload of the members of the executive committee of the council is exceedingly heavy. The nature of the workload, the extent of the workload and the desirability of the workload should be examined thoroughly.

80 The following question has not been asked, nor has it been answered, insofar as Metropolitan Toronto's system of decision-making is concerned, namely, "What powers and duties of the municipal corporation should be retained and exercised by the members of the council and what powers and duties should be delegated and assigned to the officers, to be exercised, by them, subject to the policies and the directions of the council? "

81 The acceptance of the recommendations of

- (a) Chapter III concerning*
 - (i) the duties of the head of the council*

- (ii) *the statutory statement that he is the chief executive officer of the corporation, and*
- (iii) *the appointment by the council of a CAO, and of*
- (b) *Chapter IV concerning
the delegation of the powers of the council, and of*
- (c) *Chapter VII concerning
the statements of the duties of the officers, and of*
- (d) *Chapter IX concerning*
 - (i) *a revised statutory statement of the duties of the CAO, and*
 - (ii) *the development of facilities to train municipal officers, and of*
- (e) *Chapter X concerning*
 - (i) *the repeal of the powers of the executive committee of the council*
 - (ii) *the enactment of a modern, definitive statement of the powers and duties of the executive committee of the council*
 - (iii) *the transfer of the powers and duties of local boards and agencies to the corporation, and*
 - (iv) *TE&IA actively promoting*
 - *the withdrawal of the administrative committees of the council*
 - *the establishment of a system of policy committees of the council to discuss and resolve business of the council*
 - *the concept that the councillors allocate the bulk of their time and energy to the prime concerns of the municipality and much less to administrative and technical details, and*
 - *the concept that the councillors assign to a CAO, with the assistance of the COs, the responsibility to establish a system of co-ordinated administration at the officer level, that is subject to the policies and directions of the council*

would contribute, greatly, to an improvement of the decision-making processes of the municipalities of this Chapter.

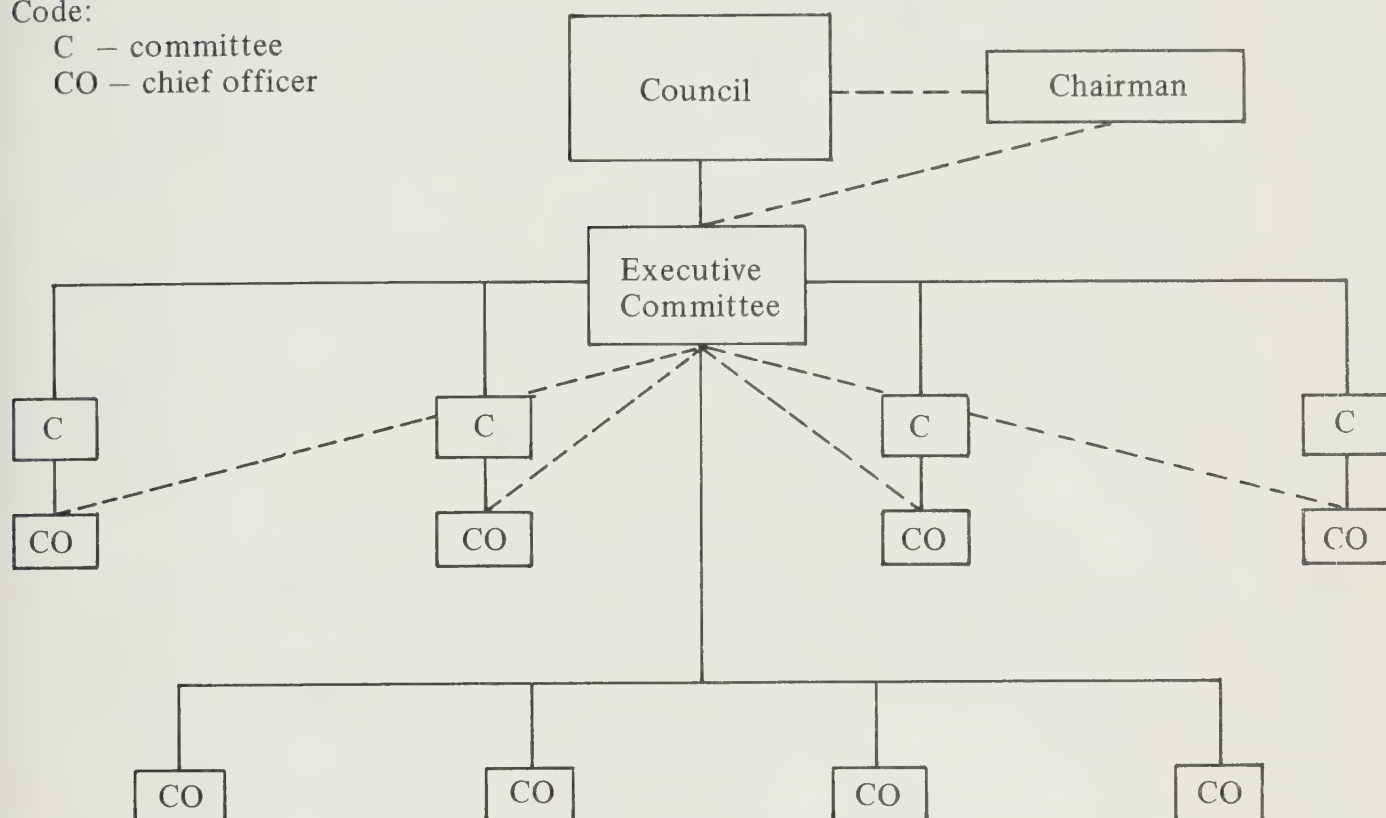
RECOMMENDATION

82 *The nature, the extent and the desirability of the workload of the members of the executive committee of the Metropolitan Toronto Council be examined thoroughly.*

Table A

ONTARIO'S
COUNCIL-CHAIRMAN-EXECUTIVE COMMITTEE-COMMITTEES-NO CAO SYSTEM
(Metropolitan Toronto and Regional Ottawa-Carleton)

Code:
C – committee
CO – chief officer



Main features of the structure

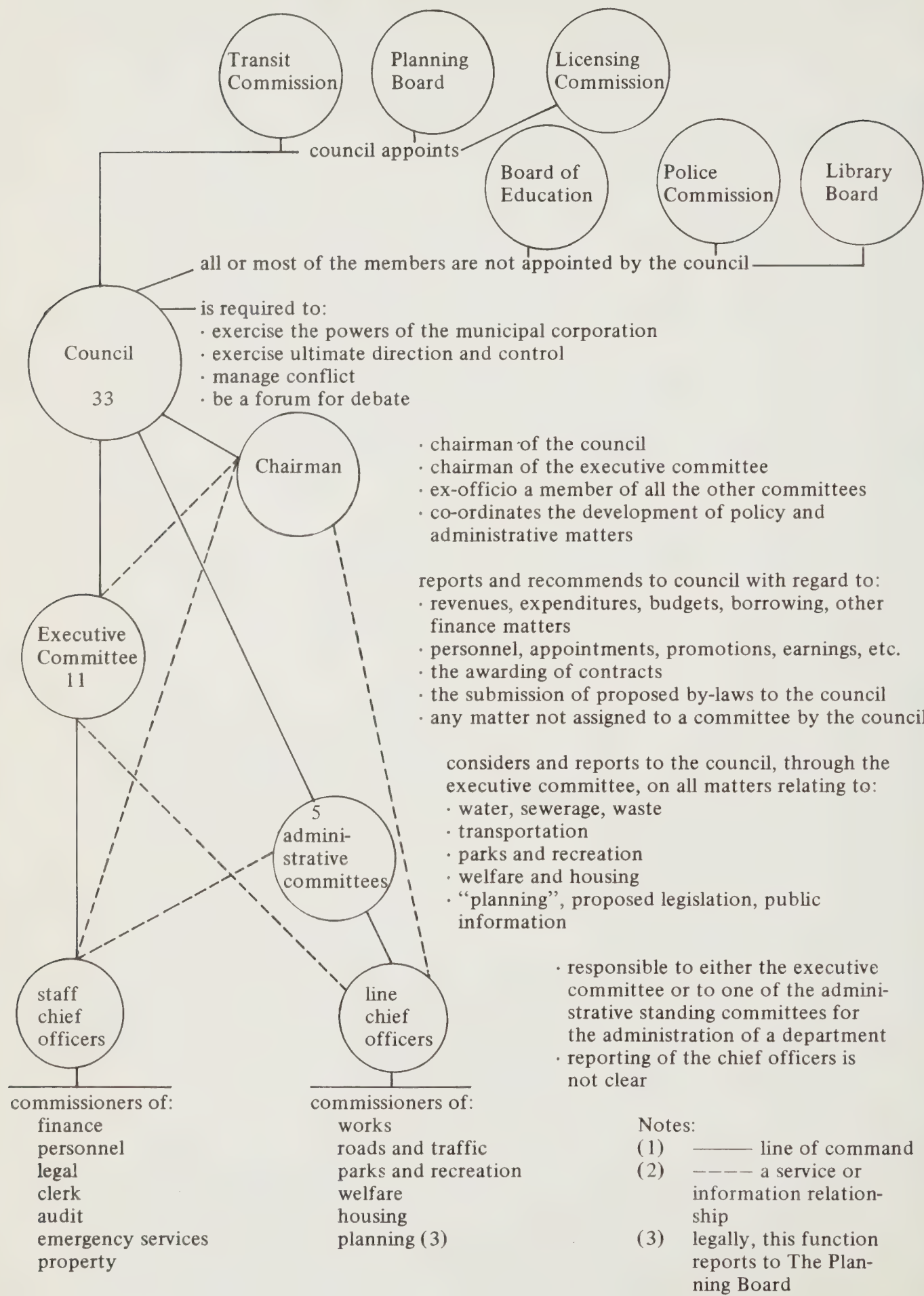
- the council is required to exercise the powers of the municipal corporation
- a chairman is selected; he is the head of the council, the chairman of the executive committee; his powers are nominal; he serves full-time; he exercises executive and administrative co-ordination and leadership by tradition
- the unity of the council is not maintained; the council establishes a series of administrative committees to report and recommend to the council; the administration of the service departments is controlled by the committees
- an executive committee, with statutory powers and duties identical to those of a board of control, is selected from the councillors; central management and control of the municipality's affairs is exercised by the executive committee; the administrative committees report to the council, usually through the executive committee
- a CAO is not appointed; the efforts of the COs are not co-ordinated and directed by a trained and experienced CAO; the COs of the staff departments report to the executive committee; the COs of the line departments report to one of the standing committees; the reporting of the COs is confusing; the co-ordination and direction of the COs is weak
- the council is not authorized to delegate any of its powers

Notes:

- line of command; ---- service or information relationships
- most of the councils assign duties, in addition to those of the statute, to the board of control
- a line CO advises a committee only – on occasion he may advise the board of control and council; a staff CO, in addition to advising the board of control and council regularly, advises one or more of the committees occasionally

Table B

MUNICIPALITY OF METROPOLITAN TORONTO



Quebec's Council-Manager System

INTRODUCTION

1 This Chapter was prepared after a visit to the Province of Quebec in October of 1971. Discussions were held in Quebec with senior officers of Quebec's Department of Municipal Affairs (DMA) and its Municipal Commission and with the managers of three municipalities (populations 16,000, 63,000 and 175,000) that have established the council-manager system. One of the managers interviewed was the president of the Association of Municipal Managers of Quebec.

2 The Chapter commences with a brief outline of the development of the system, including the role of municipal officials and of Quebec's DMA. The role of the council and the mayor is described. A summary of the duties and powers of the manager, according to the Cities and Towns Act, is presented and comments are made on the nature of the manager's duties and powers. A summary of the acceptance of the system is included. The Chapter concludes with a description of one of Quebec's council-manager systems – the City of Sherbrooke. Conclusions are drawn.

DEVELOPMENT OF THE SYSTEM

3 The system was established, initially, by private legislation, in a few English-speaking communities (Westmount in 1913) and in several company towns (Grand Mere in 1920). However, the great majority of the council-manager systems that have been established in Quebec were established subsequent to the enactment, in 1922, of the present provisions of the Cities and Towns Act that authorize the council of a city or a town to appoint a manager.

Role of municipal officials

4 *The applicable sections of the Cities and Towns Act, reflect, to a great extent, the dedication and energy of a number of municipal officials who were committed many years ago to an improvement in the "quality" of decision-making in Quebec's medium and larger municipalities.* These officials became active in the Quebec chapter of the International City Management Association. One of these officials, Mr. J.R. French of Verdun, was an outstanding official! He served a term as president of the parent association. The association of Municipal Managers of Quebec is active. The association conducts an annual conference and seminars for the improvement of the management skills of its members. Many of the members participate in the education programs of the parent association. Two of every three of Quebec's managers are university graduates. Engineers predominate! Most of the managers were in their early forties when appointed.

Role of Quebec's DMA

5 *Quebec's DMA supported the efforts of the municipal officials who advocated, 50 years ago, the enactment in the Cities and Towns Act of the sections that outline in detail the duties and powers of a municipal manager.*

6 In 1968, in an effort to encourage the acceptability of the system, and to increase its effectiveness, a number of sections of the act were repealed, including

- (a) a requirement that the establishment of the system be subject to the approval of the electors,
- (b) a requirement that a manager be appointed for a term of four years; after four years the electors were required to approve the renewal of the appointment, and
- (c) a requirement that, in certain circumstances, the dismissal of a manager by a council be subject to the approval of the electors.

7 *Quebec's DMA, after many years of experience, advises municipal councils to establish the council-manager system and to appoint a municipal manager. In order that the role of the council and the duties and powers of the manager are understood by the members of the council, the manager, the officers of the municipal corporation and the public, Quebec's DMA advises the councils to enact a by-law under the terms of the Cities and Towns Act that carefully describes the duties and powers of the manager. Quebec's DMA is pleased with the training, experience and performance of the managers and with the continuity of administration and integrity that they provide in the local communities. Quebec's DMA maintains a close working relationship with the Municipal Managers' Association. The Department is working with the association, for instance, to establish, at the graduate level, a program in municipal administration that is to be based directly to the needs of the association's members.*

8 The statutes that recently established the second-tier, urban communities in Quebec (Montreal, Quebec and Hull) require that a chief administrative officer of the municipal corporation be appointed by the council. For instance, the council of the Montreal Urban Community has appointed a secretary-general whose duties, as provided for in the statute, are derived directly from those of the manager under the Cities and Towns Act.

ROLE OF THE COUNCIL

9 The council is responsible to the electors for the manner in which the powers of the municipal corporation are executed.

10 In the execution of the powers of the corporation, the council determines the policies and priorities, authorizes the sums to be borrowed, approves a budget, imposes the rates of taxation, etc.

11 The councils usually do not establish a system of administrative committees of the council, but, rather, they establish a committee of the whole council that meets prior to the regular, formal meetings of the council. The business of the council is discussed and resolved in the meetings of this committee.

12 Under the terms of the Cities and Towns Act, the council appoints a manager. One of the prime duties of the council is to direct the manager in the execution of the policies of council and in the administration of the affairs of the municipal corporation.

13 *The most significant feature of the system is that the councillors are free to allocate their time and energy to the establishment and the revision of policy and to matters of local public concern and public controversy. By the establishment of a system of co-ordinated administration at the officer level, the councillors free themselves from the day-to-day administrative details of the municipal corporation.*

ROLE OF THE MAYOR

14 The mayor (a) presides at the meetings of the council; (b) assumes leadership in the initiation and formulation of the council's policies; (c) co-ordinates the work of the councillors and the work of the officers in the development of solutions to problems; (d) maintains a liaison with local civic associations; (e) represents the council at civic functions and public receptions and (f) informs the public of the activities of the council and of the affairs of the municipal corporation.

STATUTORY DUTIES AND POWERS OF THE MANAGER

15 The following is a summary of the duties and powers of the manager according to the terms of Quebec's Cities and Towns Act. The duties and powers are listed in the order of their importance — not in the order of their appearance in the act.

- (a) Advise the council with regard to many matters, including the following:
 - (i) the content of draft by-laws
 - (ii) the administration and the enforcement of the by-laws
 - (iii) the steps that are necessary for economical administration, the progress of the

community and the welfare of the local citizens, and

- (iv) complaints and claims against the municipal corporation,
- (b) Control, direct and suspend the officers and employees; with suspension subject to the disposition of the council, except for the clerk, the assessor and the treasurer, unless the council decides otherwise, in the case of the treasurer (The Municipal Managers' Association is of the opinion that there should be no exceptions.),
- (c) Prepare, with the assistance of the CO of each department, the annual estimates for submission to the council — a program of capital works is not mentioned in the act,
- (d) Report, monthly, to the council, with the assistance of the CO of each department, on the work done during the previous month, with suggestions for the work to be done during the ensuing month,
- (e) See that the municipality's monies are used for the purposes for which they were voted,
- (f) Assume certain detailed duties with regard to the payrolls, the accounts to be paid, the requisitions and orders for the purchase of supplies, and the plans, specifications and tenders for work that is to be done by contract,
- (g) Attend meetings of the council and its committees and, subject to the permission of the chairman, express an opinion,
- (h) Ensure that the communications are dealt with by the officers, promptly,
- (i) Call a special meeting of a committee of the council after consultation with the chairman of the committee, and
- (j) Under the terms of a recent amendment, a manager may appeal his dismissal to the Quebec Municipal Commission.

16 The sections of the Cities and Towns Act that provide for the appointment of a manager and that outline the duties of the office are set out in Table A of this Chapter.

COMMENTS ON THE DUTIES AND POWERS OF THE MANAGER

17 As the preceding section discloses, the duties and the powers of the manager are provided for in considerable detail in the Cities and Towns Act. One of the sections of the act contains fifteen sub-sections.

18 *The officers of Quebec's DMA, the municipal managers and several mayors with whom discussions were held emphasized the desirability of enacting a section in the statutes that outlines, in adequate detail, the duties and the powers of the manager. Such sections, in their opinion, disclose the policy of the province with regard to the establishment of the council-manager system and, in addition, are helpful to the local citizens, the councillors, the manager and the other officers of the municipal corporation in the establishment, the administration and the acceptance of the system. The terms of the Cities and Towns Act are acceptable to the public and to councillors. The terms are not a public issue.*

19 *The duties and powers of the manager, according to the Quebec Act, conform, essentially, to the six principles of the council-manager system that are to be found in the National Municipal League's Model City Charter. These are outlined and discussed in chapter XVII.*

20 *The most onerous task of the municipal manager is the duty "to study the needs — of the municipality — to suggest whatever steps it may be expedient to take for economical administration, progress and the welfare of the citizens".*

21 The significance of this onerous statutory duty of the manager is that, if the council should give serious consideration to the adoption of a policy which, in the opinion of the manager, is not in accord with the demands of "economical administration" or the "welfare of the citizens" the manager's duty is to express his opinion to the council in a formal public session.

22 Perhaps, it was with an awareness of this potentially onerous public duty of the manager that the Quebec Legislative Assembly recently amended the Cities and Towns Act to provide that a manager may appeal his dismissal to the Quebec Municipal Commission. (The opinion

was expressed by a manager that “a manager should take advantage of the right of appeal to clear his reputation, however, if the commission should order a council to re-engage the manager, the manager should resign after the order is issued. The manager must be acceptable to a council. The council represents the people. The council must be free to secure the services of a manager with whom the members can work.”)

23 The provisions of the Cities and Towns Act that describe the manager's powers and duties would be improved if, in addition to the emphasis on the manager's control and direction of the officers and employees, reference was made to more modern concepts of the system, such as (a) the manager as the leader and co-ordinator of the officers, (b) the manager, assisted by the COs, as the administrator of the municipality's affairs, subject to the policies and directions of the council, and (c) the role of the manager and the COs in the preparation of plans and programs for submission to the council.

24 The manager is authorized in the act to control, direct and suspend officers and employees, subject to minor exceptions and restrictions. The manager is not authorized to recommend the appointment of officers and employees. The City of Quebec's new Charter, however, provides for such recommendations to be made by a committee of the manager, the director of personnel and the CO concerned. Other cities in Quebec have recently followed this practice, voluntarily. The effectiveness of Quebec's manager would be improved, greatly, if he were granted the power to recommend to the council the appointment of officers and employees.

25 It is to be noted that the Cities and Towns Act does not refer to the preparation and submission to the council of a program of capital works and capital budget.

26 Some of the administrative duties that are assigned to the manager should not be assigned to such a senior officer, i.e. paragraph 15, clause (f) of this Chapter. Such duties should be assigned to one of the other officers. Some of the sections of the act are unnecessarily detailed. (The sections were drafted, of course, 50 years ago.)

27 The suitability, and the acceptability, of the title “chief administrative officer”, in place of the title “manager” was discussed with officers of Quebec's DMA and of the municipalities. All agreed that, to the extent that there is a manager in a municipality, the council is the manager. They also agreed that the role of the manager, under the Cities and Towns Act is, essentially, administrative in nature. In their opinion, the title “chief administrative officer” would be more accurate than the term “manager” and would be acceptable to them.

28 The officers agreed that the subsections of the act do not spell out the manager's powers and duties in a logical order — in the order of their importance.

29 The sections of the act concerning the municipal manager are to be reviewed, in the near future, as a part of a law reform commission's review of the Statutes. The Association of Municipal Managers intends to submit recommendations for the improvement of sections of the act to the commission.

ACCEPTANCE OF THE SYSTEM

30 *The councils of the great majority of the larger cities and towns of Quebec have established the council-manager system of decision-making and have appointed a manager.*

31 The following analysis of the cities and towns that had established the system, in 1969, was prepared from information furnished by the Association of Municipal Managers of Quebec.

Cities and Towns

Under the Council-Manager System

Population	Total	Number	Percentage
500,001–	1	0%	0%
100,001–500,000	2	2	100
50,001–100,000	9	8	89
25,001– 50,000	19	12	63
10,001– 25,000	51	31	61
5,001– 10,000	61	9	15
– – 5,000	95	11	12
	238	73	
	====	====	

The analysis discloses, for instance, that 63% of the cities and towns in the population range 25,001 to 50,000, and 89% of the cities and towns in the population range 50,001 to 100,000, had established the system. The combined population of the cities and towns that had established the system was 2,000,000, approximately – 1/3rd of the population of the Province of Quebec.

32 The acceptance of the council-manager system by such a large percentage of the larger cities and towns in Quebec, in the opinion of those with whom discussions were held, is attributable to three factors, namely:

- (a) the enactment in the Cities and Towns Act of a statement of the duties of a municipal manager – the statement was enacted 50 years ago,
- (b) the recommendation of Quebec’s DMA that the system be established, and
- (c) the dedication, integrity and ability of the persons who have accepted the office of municipal manager.

CITY OF SHERBROOKE’S SYSTEM

33 The organization structure of the City of Sherbrooke is an illustration of the degree to which the cities and towns of Quebec have developed and improved the effectiveness of the council-manager system. An outline of Sherbrooke’s system, in chart form, is attached to this Chapter as Table B.

34 The Table B discloses that, in Sherbrooke, municipal administration is the concern, not only of the councillors, the administrators and the employees, but, through the use of a system of citizen advisory committees and their sub-committees, municipal administration is the concern of the citizens of the city in general.

35 The Table B is graphic! It shows the mayor and the council as the central nucleus – the decision-making centre – to which all problems, suggestions and recommendations, are presented for decision-making and from whom issue the decisions that are made on behalf of the citizens of the city.

36 The Table illustrates the manner in which the administration of the council’s decisions is

- (a) co-ordinated by the manager, assisted by an administrative committee, and
- (b) carried out by a series of departments each under the supervision of a director who reports to the manager.

37 *The most interesting and novel feature of the table is the series of citizen advisory committees that are appointed by the council to assist the council and the officers to participate in the study of the local problems. A member of the council is the chairman of each of the advisory committees. Through the members of these committees, a very wide range of training and experience is applied to the study and to the public debate of the problems of the*

local community. The conclusions and recommendations that result from the studies and debates are available to the council and to the community.

CONCLUSIONS

38 *Quebec's council-manager system was derived 50 years ago from the National Municipal League's Model City Charter – the foundation stone of the council-manager system. The system conforms, in principle, to the League's Charter.*

39 *The most significant feature of the system, when compared to Ontario's systems, is the relative freedom of the councillors to allocate their time and energy to the legislative component of their powers and duties; to the establishment and revision of policy; and to matters of local public concern and controversy. By the appointment of a manager and by the manager's establishment of "a system of co-ordinated administration at the officer level", the councillors are free, essentially, from the day-to-day administrative details of the municipal corporation.*

40 *Many of the cities and towns of Quebec (30% of those with a population in excess of 5,000 and 64% of those with a population in excess of 10,000) have taken advantage of the provisions of the Cities and Towns Act to establish the council-manager system of decision-making. The terms of the act are acceptable to the public, to the councillors and, subject to a few technical refinements, to the municipal managers. The council-manager system is not the subject of public debate. The provisions of the act that authorize the establishment of the system have served the citizens, the councillors, the managers and the officers of the cities and towns very well.*

41 *The recent statutes that established a number of large, second-tier "urban communities" in Quebec (Montreal, Quebec and Hull) require the council to appoint a chief administrative officer of the community.*

42 *Quebec's DMA supports the appointment of municipal managers; is pleased with the skills, experience and continuity of local administration that the managers make available to the councils (2 of 3 managers are university graduates; most of them are engineers;) and works closely with the Association of Municipal Managers of Quebec in the development of courses in municipal administration, at the university level, for municipal officials.*

43 *Quebec's council-manager system overcomes many of the weaknesses that are to be found in Ontario's medium and large systems of local government.*

Table A-1

QUEBEC'S CITIES AND TOWNS ACT the duties and the powers of a manager

108 The council may, by the affirmative vote of the majority of its members, appoint a manager and fix his salary.

109 The duties and powers of the manager shall be the following:

- (1) To take cognizance of the correspondence and communications sent to the municipality and see that they be promptly dealt with by its officers
- (2) To examine and sign, if they are correct, the weekly or monthly pay sheets and report thereon to the committees in charge of the various departments and to the council
- (3) To examine the accounts, payment whereof is claimed from the municipality, and if they are correct, initial them after they have been verified by the treasurer and report them to the council for payment
- (4) To prepare, with the chief officers of the departments, for each monthly meeting of the council, a complete report of the work done during the previous month, with the suggestions he may deem useful to suggest for the work to be done in the ensuing month
- (5) To examine the orders or requisitions for the purchase of supplies, certify them if

they are correct and in accordance with the decisions or orders of the council, and report thereon to the council and to the committee having control thereof

- (6) To prepare with the chief officers of the departments, the annual estimates and report thereon to the council and to each of the committees
- (7) To prepare, with the chief officer of each department or the officer in charge of any service in the administration, the plans and specifications for the work to be given by contract, submit them to the council for approval, draw up the notices calling for tenders, and have them published by the clerk

Table A-2

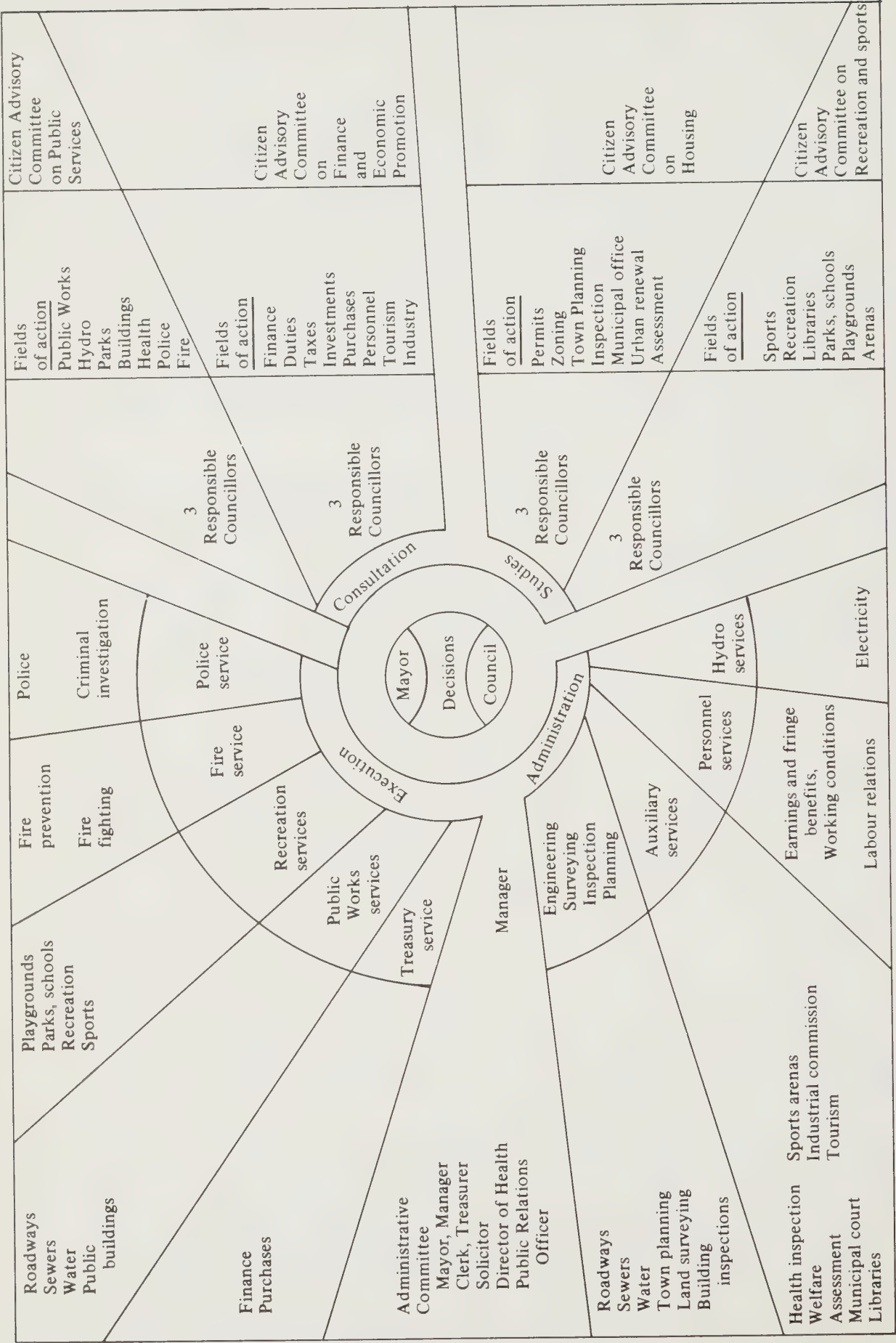
- (8) To open, in the presence of the members of the council, in meeting assembled, the tenders received for work to be done by contract, and recommend which of the tenders he thinks should be accepted by the council
- (9) To study the drafts of by-laws, including loan by-laws and communicate to the council his views and suggestions on the provisions such draft by-laws are intended to enact
- (10) To advise the council on the steps to be taken to carry out the by-laws and enforce their observance
- (11) To see that the monies voted by the council are used for the purposes for which they were voted
- (12) To investigate the complaints and claims made against the municipality and report his opinion thereon to the council as well as to the committee charged with their examination
- (13) To study the needs and everything that might be of interest to the municipality, to suggest whatever steps it may be expedient to take for an efficacious and economical administration, and to promote the progress of the municipality and the welfare of the citizens
- (14) To call a special meeting of a committee whenever he thinks it necessary, after consulting the chairman
- (15) To attend the sittings of the council and of the committees and, with the permission of the chairman, give his opinion and make the observations and suggestions he may deem expedient on the subjects under discussion, but without the right to vote.

115 All officers and employees of the municipality, except the clerk, the permanent assessor and treasurer, unless the council decides otherwise in the case of the treasurer, shall be under the control and direction of the manager, who has power to suspend them from their duties. But the manager shall immediately report such suspension to the council, and the council, after inquiry, renders the final decision.

The Cities and Towns Act was enacted originally in 1922.

Table B

CITY OF SHERBROOKE
Council-manager system



CHAPTER XIII

Quebec’s
Council-Mayor-Executive
Committee-CAO System

INTRODUCTION

- 1 In the preparation of this Chapter, numerous statutes and reports from Quebec were studied and, in October of 1971, conversations were held in the Cities of Quebec, Montreal and Toronto, with many persons who possess knowledge and experience with regard to the systems of local government in the Province of Quebec.
- 2 Two systems are discussed in the Chapter, namely, the system that has evolved, after 300 years of unbroken history, in the City of Montreal and the modification of the Montreal system that has been established, in recent years, in the Cities of Quebec, Hull and Laval.
- 3 The sections of the Chapter with regard to the City of Montreal outline the City’s legal and political structures and the elements of its decision-making processes. Because of their significance to Ontario, the findings of two major studies of the ’60s into the City’s decision-making and administrative processes are summarized. The studies were conducted by a Commission of five and by Woods, Gordon & Co., Management Consultants.
- 4 The sections of the Chapter with regard to the Cities of Quebec, Hull and Laval outline the reasons for the development of the system of decision-making that has been authorized for these cities and the essence of the system, including the powers and duties of the mayor, the executive committee and the manager.
- 5 Comments and conclusions are made with regard to each of the systems.
- 6 A chart of the organization structure of the City of Montreal; the 300 year history of the city’s historic charter; the essential differences between Montreal’s and Toronto’s decision-making; and the powers and duties of the council, the mayor, the executive committee and the manager, according to Hull’s new charter, are presented in Tables A to D.

Part 1

COUNCIL-MAYOR-EXECUTIVE COMMITTEE-EXECUTIVE SECRETARY SYSTEM
of the
CITY OF MONTREAL

GENERAL

- 7 The City of Montreal’s population is 1,300,000, while the population of Greater Montreal is approaching 3,000,000.
- 8 The City’s system of decision-making is essentially parliamentary in nature with a cabinet, without ministries, supported by a system of local political parties. The parties are not affiliated with any of the Quebec or federal parties.

LEGAL STRUCTURE

- 9 The City of Montreal’s structure, from a legal point-of-view, may be summarized as follows.
- (a) Ultimate power is exercised by the council; i.e. the power to tax, to borrow, to adopt a budget, to act upon the recommendations of the executive committee. Every matter that is to be considered by the council is submitted to the council by the executive committee – with a recommendation. The council may adopt, amend

- or reject a recommendation, except one with regard to a contract or the appointment of certain officers — in which case the recommendation may be approved or rejected, but not amended. The role of the councillors is essentially legislative. One of the councillors' most important responsibilities is either to accept the mayor's nominations of the members of the executive committee or to select the members themselves.
- (b) The executive power of the city is exercised essentially by an executive committee of six councillors and the mayor — the committee initiates legislation and supervises the departments.
 - (c) The mayor, the only member of the council who is elected at large, possesses special powers. They are used rarely, e.g. the right to veto, temporarily, the decisions of the council; superintendence, investigation and control of the departments and the officers, etc. (Some of these powers are in conflict with the powers of the executive committee.)
 - (d) An executive secretary is the central administrative figure. He is the link between the administration and the public, the executive committee and the departments. He co-ordinates the flow of the reports from the directors of the departments to the executive committee and from the executive committee to the council. He is not authorized to co-ordinate the efforts of the 22 directors.

POLITICAL STRUCTURE

10 In the late '50s the public was increasingly concerned and dissatisfied with the manner in which the City of Montreal was being governed. In the opinion of many, the system of election was too complicated; the system was not democratic; the council was too large; there was continual delay, conflict, bickering; there was a lack of homogeneity in the executive committee; the councillors did not support the recommendations of the members of the executive committee; etc. The public was "fed up". Woods, Gordon & Co., Management Consultants, after conducting a major study, expressed the opinion that the workings of the executive committee were "akin to a cabinet attempting to carry on a government with members of the opposition sitting in — it slows up the making of decisions and makes it difficult for the executive committee, with the best of intentions, to provide the strong, unified leadership that the administration of a large city requires".

11 A commission, the Champagne Commission, which was appointed by Quebec's Legislative Assembly, in recommending the establishment of a system of local political parties in the City of Montreal, referred to an opinion of England's Royal Commission on Local Government (1960) on this topic. The Royal Commission stated that, "*Indeed, it seems to us that, under present day conditions, party politics are a necessary part of the democratic process in local government — at any rate in a great city.*"

12 A consensus grew that "if the citizens of Montreal were to administer their own affairs according to the best formula of democratic and responsible municipal government", a "form of parliamentary government" with its "solidarity in the executive committee" was essential and that the only way to achieve these ends was to establish "a true municipal party" — "a precedent without a parallel throughout the world".

13 One result of the consensus was that the Legislative Assembly of Quebec amended Montreal's Charter to give effect to these ideas.

14 The other result was the establishment of the Civic Party, a local municipal party without Quebec or federal party affiliation, by the present Mayor of Montreal, M. Jean Drapeau. The party does not have members (other than councillors), meetings, an organization, a structure. The party is a group of "like-minded citizens" who, at election time, come together to promote and finance the candidature of M. Drapeau and the citizens who are prepared to be candidates for the office of councillor — as supporters of the programs of M. Drapeau.

15 At the time of writing, every one of the 52 members of Montreal's council is a member of the Civic Party.

- 16 The party exercises the powers of the city by its control of the council and the executive committee.
- 17 The party does not caucus before each meeting of the council. A caucus is held when a major matter, a matter of unusual public interest or a matter of particular concern to one or more of the members, arises. A member of the party occasionally will vote against a recommendation of the executive committee.
- 18 Because of the workings of the party system, the meetings of the council are conducted with a minimum of discussion and debate. I was informed that, at a recent meeting of the council, with an agenda of 82 items, the meeting lasted 1 1/2 hours.

Note:

Many of the opinions expressed in paragraphs 10, 11 and 12 were taken from an address by His Worship Mayor Jean Drapeau to the Canadian Club in Montreal in 1962.

COUNCIL

- 19 The Council exercises the city's legislative powers; ultimate direction and control; and the executive powers that are not assigned to the Executive Committee in the Charter.
- 20 The Council is composed of 52 members and a Mayor. The City is divided into 38 wards (3 councillors for each of 15 older wards and 2, 1 and 4 councillors for 3 wards that were annexed in recent years). The Council is elected for a term of 4 years.
- 21 The voter votes once for mayor and, from once to 4 times, for councillor — depending upon the number of councillors to be elected within the ward.

MAYOR

- 22 The mayor, who is the only member of the council elected at large, is the "first magistrate" of the city; represents the city on official occasions (He delegates most of his duties concerning ceremony and hospitality, to other members of the council); is ex-officio a member of the Executive Committee; and of any committee or commission appointed by the Council that is composed of councillors.
- 23 The mayor possesses a wide range of special powers, such as
- (a) the power to call a special meeting of the council and to prepare the agenda therefor,
 - (b) the right of "superintendence, investigation and control" of the departments and officers, including the duty to see that the revenues are collected and expended according to the law,
 - (c) the duty to see that the by-laws are observed,
 - (d) the right to make recommendations to the council with regard to the city's "finances, police, health, security, cleanliness and comfort",
 - (e) the right to suspend any officer or employee (The suspension remains in force until the council decides otherwise.), and
 - (f) the right to veto the decisions of the council, subject to the council's reaffirmation.
- 24 The special powers are "academic" at the time of writing, because of the power exercised by the mayor as the head of the Civic Party — the political party that controls the council.

EXECUTIVE COMMITTEE

- 25 The executive committee exercises the executive functions of the government of the city and is responsible for the control and supervision of the departments.
- 26 Many of the committee's powers are exercised without reference to the council.

27 Each member of the committee is assigned the duty to observe the affairs of a specified number of the departments. Each director of a department discusses the problems, the proposed recommendations and the draft reports that arise in his department, with the member of the executive committee who is responsible for the affairs of his department before a recommendation or a report is placed on the committee's agenda. By the use of this process of prior consultation with the directors, the members of the committee control, very closely, the day-to-day administrative affairs of the departments.

28 The executive committee is composed of a chairman, a vice-chairman and four other members who are chosen from the council and, ex-officio, the mayor.

29 At the first meeting of a new council, the mayor is authorized to nominate six members for membership on the executive committee. Should his nomination (which may not be amended) not be adopted by the council, the council must proceed to nominate and to elect (by secret ballot) six of its members to the executive committee. The council designates the chairman of the executive committee. As with the mayor's special powers, the power of the present mayor to nominate the members of the executive committee is academic because of the political power that he exercises.

30 The Executive Committee, under the terms of the charter, is required to prepare and submit to the council:

- (a) an annual budget,
- (b) every demand for the appropriation of the proceeds of a loan or of any other credit,
- (c) every by-law,
- (d) every demand for a transfer of funds voted by the council (when the purpose for which the funds had been originally voted has been achieved),
- (e) every report concerning taxes, permits and licenses,
- (f) every report recommending the granting of a franchise or a privilege,
- (g) every report concerning the sale or exchange of property where the sale price exceeds \$10,000.00; and every lease of property where the term of the lease is in excess of one year,
- (h) every report, the subject of which is under the exclusive jurisdiction of the council, and
- (i) every other report, except with regard to a matter that, under the terms of the charter, is under the exclusive jurisdiction of the Executive Committee.

31 A report of the Executive Committee made in virtue of sub-paragraphs (a), (b), (c), (f), and (g) of paragraph 30, may not be approved, rejected, amended or referred back, except by a vote of two-thirds of the councillors present, provided that such a majority consists of at least twenty-three affirmative votes. (This provision also is academic, at the time of writing, because of the power exercised by the political party that controls the council.)

32 In most cases, funds voted by the council, either from the budget or from the proceeds of a loan or otherwise, remain at the disposal of the Executive Committee, who must see to the funds being used for the purposes for which they were voted, without further approval from the council.

33 The executive committee must submit to the council every contract that authorizes an expenditure of more than \$10,000. The committee, after calling for tenders, may award any contract, without the council's authorization, providing the price does not exceed the amount placed at its disposal for the purpose. The committee may, without the consent of the council, cause to be carried out, works, the cost of which does not exceed \$20,000 if the city's forces are used. If private forces are used, the limit is reduced to \$10,000.

34 The committee is responsible for (a) the management of the affairs of the City, (b) the observance of the law, the by-laws and the contracts and (c) the instructions to the directors of the departments.

35 The committee sees to the preparation of plans and specifications and to the calling of tenders.

36 Every communication between the council and the departments is effected through the executive committee.

37 The committee, on a report of the director of the department concerned, may take a wide range of administrative decisions.

38 The committee determines the rate of earnings of all of the officers and employees.

39 The directors of departments may, on a report of the executive committee, be appointed, suspended or dismissed by the council only. Such a report may not be amended but may be rejected by the council. (The director of police and the auditor may be suspended or dismissed by a vote of 2/3rds of the councillors, upon the receipt of a report of the committee, approved by a vote of 2/3rds of its members.)

40 The directors of the departments are directly responsible to the executive committee for the administration of their departments. The directors select, appoint and replace subordinate employees with the approval of the committee.

41 A director who authorizes or permits an expenditure in excess of the sum appropriated for a specific purpose under his control and responsibility shall be dismissed ipso facto, unless he proves to the council's satisfaction that he was led into error by another employee -- in such a case, the latter employee shall ipso facto forfeit his position.

42 The executive committee adopts the by-laws and resolutions necessary for the imposition of taxes, licenses and permits.

CHAIRMAN OF THE EXECUTIVE COMMITTEE

43 Since the executive committee exercises so many of the executive powers of the municipal corporation, the office of the chairman of the executive committee is the second most significant elected office in the city. The mayor may not be the chairman of the committee. The relationships between the chairman of the executive committee and the mayor are critical to the effective workings of the system. If the chairman has a good relationship with the mayor and is an effective administrator, he can relieve the mayor almost entirely of the executive and administrative affairs of the city and thereby make the time of the mayor available for the most pressing and the most important problems of the municipality and the community.

EXECUTIVE SECRETARY

44 The executive secretary is the central figure in the administration of the city and is the link between the executive committee and the directors of the departments. He attends the meetings of the committee. (A decision that is taken in his absence is valid.) All of the reports of the directors to the committee are passed through his office. He passes the decisions of the committee to the directors. He provides such reports and information as the committee requests. His office is the chief point of contact between the city and the public. The clerk is the secretary of the council and of the executive committee.

45 The executive secretary may report his opinion to the executive committee upon any matter that is submitted to the committee and, in addition, he may report his opinion to the council on any matter which, in his opinion, should be brought to the council's notice.

46 The secretary is appointed, suspended and dismissed by the council. His salary is set by the executive committee. He must carry out the duties assigned to him by the committee.

DIRECTORS OF DEPARTMENTS

47 There are 22 departments, each headed by a director. Each is responsible to the Executive Committee. The directors advise the Executive Committee in the exercise of its responsibilities. Each director administers a department under the control and supervision of the Executive Committee. The directors do not meet as a group. An effort has **not** been made to bring a small group of directors together to act as the administrative agent of the Executive Committee -- western Canada's board of administration.

SPECIAL-PURPOSE AUTHORITIES

48 The only special-purpose authorities of significance in Montreal are established for the purposes of education and transportation.

RELATIONSHIPS WITH THE PROVINCE OF QUEBEC

49 Montreal's relations with the province are unique. The present relationships are set out in detail in a statute of the province — the City of Montreal's Charter.

FINDINGS AND RECOMMENDATIONS OF MAJOR STUDIES IN THE '60s

50 In the early '60s two major studies were conducted into the decision-making and administrative processes in the City of Montreal. One of the studies was authorized by an act of the Quebec Legislative Assembly and was carried out by a commission of 5 headed by Mr. Justice Paul E. Champagne. The commission was concerned primarily with the city's electoral and political system and, to a lesser extent, with its administrative system. The second study was authorized by the city's executive committee, carried out by Woods, Gordon & Co., and was concerned, primarily, with the city's internal administrative framework.

51 Many of the recommendations that were made, as the result of these studies, were accepted, and acted upon, by the province and the city during the '60s.

Champagne Commission

52 The Champagne commission presented a number of findings and observations of significance to a review of Ontario's system of local government decision-making. Some of these findings and observations are as follows

- (a) The following systems for the exercise of Montreal's executive powers were rejected by the commission (the reasons are indicated, briefly, within the brackets).
 - (i) **the executive is the council** itself, (failure to provide effective co-ordination),
 - (ii) **the executive is the mayor** (government by one man, the mayor is often, unable to secure the support of the councillors),
 - (iii) **the executive is the board of control** (continuous conflicts, lacks homogeneity),
 - (iv) **the executive is an officer appointed by the superior government** (Paris, Amsterdam, Rio de Janeiro, etc., incompatible with local autonomy), and
 - (v) **the executive is an officer appointed by the council** (not practical for a large city such as Montreal)

in favour of

 - (vi) **the executive is a committee of the council appointed by the council and is responsible to the council**
- (b) Four criteria of a good municipal organization are, (extracted from a book by Thomas J. Plunkett and quoted by the commission)
 - (i) external intelligibility (to the average citizen),
 - (ii) effective executive direction (a committee of council, a mayor, a CAO, etc.),
 - (iii) efficient internal administration (the effective utilization of the services of the officers and employees), and
 - (iv) responsiveness (to the electors).
- (c) A "good" municipal organization will be (extracted from a book by Thomas J. Plunkett and quoted by the commission)
 - (i) easy for the people to understand,
 - (ii) endowed with an executive capable of directing and administering,
 - (iii) endowed with an efficient internal administration where the services of the best employees are put to the best use, and
 - (iv) capable of meeting the needs and desires of the taxpayers.

53 The Commission's prime recommendations to the government were as follows:

- (a) The City of Montreal's electoral system be replaced by a system under which
 - (i) the 3 categories of citizens be discontinued,
 - (ii) the city be divided into a system of wards,
 - (iii) each elector to vote once for the mayor and once for the number of councillors to be elected from each ward, and
 - (iv) the wards be divided into 5 districts, each of which to be represented on the executive committee
 (at the time, the electoral system consisted of a council of 100 citizens selected, in a very complicated manner, from 3 categories of citizens, i.e. property owners; tenants or occupants and property owners; and certain associations)
Much of this recommendation of the commission has been accepted.
- (b) *The administrative structure be modified to "assure unity of command and better co-ordination – keeping in mind the principle that the responsibility of an elected body is not to do the work, but to see to it that the work is well done".*
Montreal's system reflects this recommendation of the commission to a high degree.
- (c) *The office of mayor be a representative office, an office of supervision of the general interests of the city and an office of mediation, with the right to make recommendations to the council and the right to veto the decisions of the council (subject to the council's re-affirmation).* The commission pointed out that the mayor and the executive committee had certain "equal and independent jurisdictions" over the departments and officers – "a serious weakness". In order to correct these weaknesses the mayor should,
 - (i) not be a member of the executive or any other committee of the council,
 - (ii) not be given the right to supervise and control departments and the right to suspend an employee, and
 - (iii) be relieved of his administrative responsibilities.**This recommendation of the commission has not been accepted.**
- (d) *The executive committee be given all of the city's administrative responsibilities and be exclusively the responsible and powerful agent for administration.* Administrative stability is determined by solidarity within the executive committee and, therefore, while the councillors should choose the chairman of the committee, the chairman selected should choose, in turn, the remaining members of the committee – one from each of the electoral districts except his own.
The first portion of this recommendation of the commission has been accepted.
- (e) The executive secretary should be the "intermediary" between the departments and the executive committee; the ensurer of the unity and the continuity of the city's administrative affairs; he should not be a "city manager" – the executive committee is the manager. *The executive secretary should "assure co-ordination among the different departments and municipal organisms".*
This recommendation of the commission has not been accepted.
- (f) *The executive committee should act as any manager of a well-administered enterprise, who delegates administrative powers, in order to have enough time to look after essential problems – because a person can neither do nor check everything himself.* The executive committee should never forget that, if it has the power, in theory, to enter into the details of administration, this does not mean that the committee is, at all times, obliged to do so. *On the contrary, it is the committee's duty, ordinarily, to delegate its responsibilities as much as possible, while however, retaining control, as advised by the experts of Woods, Gordon & Co.*
This recommendation of the commission has not been accepted.

Woods, Gordon & Co.

54 Woods, Gordon's prime findings were as follows (The preliminary report contained 693 pages.)

- (a) The manner in which the executive committee functions is such that the committee is not able to give the leadership that such a huge enterprise demands.
- (b) *The executive committee, partly because of the charter and partly from choice, is attempting to consider and approve far too many details of administration.* The committee has insufficient time to consider the really important issues and to prepare measures for the council to consider.
- (c) *The executive secretary is burdened with a load of detail. He has little time and little authority to direct and co-ordinate the activities of the departments.* His staff is insufficient.
- (d) A wide range of other findings were identified, such as
 - (i) the departments suffer from a mixture of restriction and restraint,
 - (ii) there is a tendency to think in the terms of the short haul rather than of the long haul, and
 - (iii) there is a lack of effective management controls.
- (e) There are organizational weaknesses in the departmental structure.
- (f) The city lags far behind other major employers in the management of its personnel and in its dealings with organized labour.

55 Woods, Gordon's prime recommendations were as follows:

- (a) *The executive committee be relieved of the responsibility for dealing with the minor details of administration, such as*
 - (i) appointment, promotion, dismissal and retirement of employees,
 - (ii) approval of contracts, agreements, tenders and payments, except for those that are of major importance, and
 - (iii) a wide range of other detailed administrative approvals.**This recommendation of Woods, Gordon has not been accepted.**
- (b) *The executive secretary be given more authority to direct and co-ordinate the work of the departments, including the authority to approve many items that go to the executive committee.*
This recommendation of Woods, Gordon has not been accepted.
- (c) The staff of the executive secretary be expanded to include
 - (i) a planning and control section,
 - (ii) an information section, and
 - (iii) an organization and methods section.**The budget analysis section, the information section and the central data processing section, have recently been transferred to the executive secretary.**
- (d) the departments be provided with a greater degree of direction and co-ordination, without departing from the principle that each director be fully responsible within clearly-defined limits, for the administration of his department.
This recommendation of Woods, Gordon has not been accepted.

COMMENTS

56 Montreal's electoral processes are simple and understandable.

57 The council is essentially a legislative body and its activities are restricted to the discussion and the authorization of matters of major policy.

58 The mayor's role, because of his political power, is dominant.

59 The city's legal structure is designed to permit the mayor to exercise leadership and initiative and to be free of administrative detail.

60 The power of the present mayor lies in his position as the leader of a local political party, the Civic Party. His power permits him to lead, to speak with authority, to carry out his commitments and to control the city's affairs with efficiency and dispatch.

61 The executive committee is responsible for the initiation of the council's legislative

program and the management of the affairs of the city and is the nerve centre of the city's administrative processes; many of its powers are exercised without reference to the council.

62 Because of the power that is granted to the executive committee, the office of the chairman of the committee is very significant indeed. The incumbent of that office relieves the mayor of a great load of administrative and executive detail and, thereby, permits the mayor to be free, relatively, to devote his energies and abilities to those problems that he considers to be most important and to be most in need of his efforts and influence.

63 When the mayor and the chairman of the executive committee are the leaders of the political party that controls the membership of the council and are men of ability, the system of decision-making is very effective indeed.

64 If a single political party did not control the council and if the mayor and the members of the executive committee did not respect and co-operate with each other, the management of the affairs of the City of Montreal would be hindered to a very great extent.

65 The executive secretary's duties are such that he is burdened with detail. He has been granted neither the authority nor the staff to exercise essential leadership, co-ordination and direction among the directors. The skills and experience of the directors are not being used by the executive committee to develop programs and policies of city-wide or general application for submission to the committee.

66 The members of the executive committee attempt to consider and to approve too many of the details of administration. As a result, the members are not free to allocate sufficient time to the development of public policy, the preparation of measures for the consideration of the council and the leadership of the directors.

67 The charter does not authorize the executive committee to delegate any of its administrative powers to the directors of the departments — this, in spite of the fact, that the members are burdened with detail and there is always a log jam of "paper" and administrative matters before the committee.

68 Montreal's decision-making is dominated by one party which, in turn, is dominated by one person — M. Jean Drapeau, Montreal will sometime be faced with a problem of continuity, a problem of succession, a problem of finding a new leader with an exceptionally high degree of integrity, ability and colour.

Three tables with regard to decision-making in the City of Montreal are presented at the end of the Chapter as follows:

- (a) *City of Montreal's council-mayor-executive committee-executive secretary system,*
- (b) *History of Montreal's charter, and*
- (c) *Decision-making in the cities of Montreal and Toronto, the essential differences.*

Part 2

COUNCIL-MAYOR-EXECUTIVE COMMITTEE-MANAGER SYSTEM of the CITIES OF QUEBEC, HULL AND LAVAL (1)

REASONS FOR THE DEVELOPMENT OF THE SYSTEM

69 The council-mayor-executive committee-manager system was developed at the initiative of local political leaders and on the basis of the recommendation of a royal commission in the mid '60s in order to overcome the weaknesses of the classic council-weak mayor system in a few of the larger cities of Quebec. These weaknesses are described in chapter XVI.

70 A commission headed by Mr. Justice C.Â. Sylvestre inquired into the administrative system of the City of Quebec in 1963. The chief findings of the commission included the following:

- (a) the councillors' prime concerns are not those of the community at large but the local wards, ward politics, the interests of the wards,
- (b) there is a low level of public confidence in the councillors and a lack of civic spirit on the part of too many citizens; reform of the decision-making system will not succeed if the citizens do not reform,

(1) Quebec's population is 167,000, while those of Hull and Laval are 60,000 and 196,000 respectively

- (c) there are far too many committees of the council,
- (d) there is a confusion of legislative and executive power; the councillors have assumed the administrative powers of the heads of departments,
- (e) management must not be in a deliberating assembly, and
- (f) administration is deplorable; there is councillor interference in the administration of the departments, particularly in the employment of staff.

After a lengthy and thorough enquiry the commission recommended the establishment of the system of local decision-making that is described in the subsequent paragraphs of this Chapter. The recommendation was accepted by the Government and, after extensive discussion with local political leaders, they were incorporated into the decision-making systems of the Cities of Quebec, Hull and Laval.

71 A paper on the development of the system was presented in 1965 to the Annual Conference of the Canadian Federation of Mayors and Municipalities at Windsor by Mayor Marcel D'Amour of the City of Hull. (Mayor D'Amour is the federation's president at the time of writing.) In the paper the mayor advanced the reasons that follow for the development of this system of decision-making.

- (a) In the City of Hull, there were many administrative committees of the council. There was no executive committee. There was no manager. The result was confusion with regard to responsibility for the legislative, executive and administrative functions of the city.
- (b) The entire council "delved into the petty details" of administration.
- (c) With no executive committee and with no manager, the individual alderman tended to exert pressure on the department heads to obtain favours.
- (d) Each member "had his say" in the "hiring, promotion and firing" of the employees.
- (e) Government was being "hampered" by "small ward politics".
- (f) The City of Hull was "faced with a snail-paced and ineffective administration".

72 The charters of two of the cities, Quebec and Hull, have been studied and a thorough conversation has been held with the manager of the City of Quebec. The study and conversation disclosed that the council-mayor-executive committee-manager system was designed to:

- (a) **increase the effectiveness of the exercise of the council's powers** — by the election of a group of like-minded citizens to the council under the leadership of the person who seeks the office of mayor.
- (b) **permit the person who is elected to be mayor to exercise leadership and to co-ordinate the efforts of the councillors** — by granting certain special powers to the mayor (these powers are similar to powers granted to mayors in many other jurisdictions),
- (c) **increase the effectiveness of the exercise of the council's executive powers** — by the establishment of a small executive committee of the council the members of which are selected by the mayor, and
- (d) **provide for the availability to the council of experienced municipal advice and, also, provide for the co-ordination of the work of the officers and employees** — by the appointment of a municipal manager by the council.

THE ESSENCE OF THE SYSTEM

73 The council-mayor-executive committee-manager system in the cities of Quebec, Hull and Laval, as indicated earlier, are essentially the same. The system's most significant concepts are summarized in this section.

- (a) The councillors are elected by a system of wards and they exercise control of the municipality's affairs. However, in order that the councillors' time be available for matters of policy, public concern, representation, etc., the executive and administrative duties of the municipality are assigned to an executive committee of the council and to a manager, subject to the ultimate control of the council.
- (b) A candidate for the office of mayor should be prepared to submit to the electorate of the city the program or platform, which he will attempt to carry out, if elected.
- (c) A candidate for the office of mayor, in order to be able to carry out a "program", "should stand as the head of a team".
- (d) The accountability of the mayor and his "group" to the electorate should not be able to blame others, in the minds of the public, for the "blunders or inactivity" of the council.
- (e) An executive committee of the council exercises the executive powers of the municipality.
- (f) The system of decision-making is "parliamentary in nature" and reflects the concept that the mayor should
 - (i) select the members of the executive committee,
 - (ii) be the executive committee's chairman, and
 - (iii) possess the deciding vote in the executive committee in the event of a tie.
- (g) The council should appoint a manager with duties and powers similar to those in Quebec's Cities and Towns Act — to be exercised "under the authority of the executive committee".

THE POWERS AND DUTIES OF THE COUNCIL, THE MAYOR, THE EXECUTIVE COMMITTEE AND THE MANAGER

74 The powers and duties of the council, the mayor, the executive committee and the manager under the system, according to the charters of the Cities of Quebec, Hull and Laval, as indicated earlier, are, essentially, the same.

These powers and duties, according to the Charter of the City of Hull, are reproduced in Table D.

COMMENTS

75 The council's role is essentially that of legislator. The council enacts the by-laws, adopts the budgets, authorizes the imposition of taxes, loans and capital expenditures; and observes and watches the manner in which the executive committee performs its duties. (see **Table D, section (a).**)

76 The system facilitates the election of a mayor (referred to by some as a "strong mayor") who, supported by other candidates for council and a local group of like-minded persons, is in a position to present to the electors at election time a specific program. (In the City of Quebec, for instance, the local group that supports the present mayor controls the council.) The mayor and councillors who support the mayor meet in caucus regularly in order to discuss and determine their policies. (see **Table D, section (b).**)

77 The mayor is granted the power to select the members of the executive committee, he chairs the committee, is the leader of his group in the council and plays a strong leadership role in the council, in the affairs of the city and in the community.

78 The executive committee exercises the "executive functions". In the case of the exercise of the major powers, the committee is required to make recommendations to the council who exercises these powers; while, in the case of the lesser powers, the committee, under the terms of the Charter, is authorized to exercise these powers. (see **Table D, section (c).**)

79 A manager "under the authority of the executive committee" assists and advises the executive committee; administers the affairs of the city; exercises power over the chief officers of the departments; co-ordinates the efforts of the officers with those of the executive committee; reports to the council "on any question that he believes should be brought to its notice", etc. (It is to be noted that the duties of the manager reflect recent concepts and developments with regard to the role of the manager much more than do the terms of Quebec's Cities and Towns Act. The Cities and Towns Act, of course, is 50 years old and has not been revised.) The charter ensures that the services of the manager are available to assist and advise the members of the executive committee; to co-ordinate and direct the efforts of the officers; and to relieve the councillors from time-consuming and highly-technical administrative detail. (see Table D, section (d).)

80 Under the system the roles of the council and the mayor are, essentially, the same as they are in the City of Montreal. However, the role of the executive committee differs. Whereas in Montreal, the executive committee exercises both the executive and the administrative powers, of the city, under this modified system the executive committee exercises the executive powers but the administrative duties are carried out by a manager "under the authority of the executive committee".

81 It is to be noted that the populations of the three cities in which this system has been established range from 60,000 to 200,000.

CONCLUSIONS

82 *The system of local government decision-making in the City of Montreal reflects the opinion that "party politics are a necessary part of the dramatic process", at least in the larger urban governments, and the effectiveness of local government is very greatly increased by the "election of a group of like-minded citizens to the council under the leadership of the person who seeks the office of mayor".*

83 *The form of the government of Montreal is parliamentary in nature. The council exercises the legislative and the major executive powers of the municipal corporation — the remainder of the powers are exercised by the executive committee. As a result, the councillors are free to establish and revise local policies, to debate matters of public concern and controversy and to maintain a surveillance of the executive and administrative work of the mayor and the executive committee.*

84 *The mayor of Montreal is a "strong mayor" because of the power that he exercises as the leader of a local political party that controls the council. The system of decision-making is designed to permit the mayor to be the leader of the council and the community and to exercise local initiatives. Because of the close political relationships between the mayor and the chairman of the executive committee, the mayor is essentially free from the burden of day-to-day executive and administrative detail.*

85 *The executive committee of Montreal exercises the executive powers that are not assigned to the council, specifically, in the charter (many of these powers are exercised by the committee without reference to the council) and the administrative powers, including the control and the supervision of the directors of the departments. Every matter that is presented to the council originates as a recommendation from the executive committee. The executive committee does not possess the power to delegate any of its powers to the directors or other officers — the result is that the committee is "concerned with far too many details"; the city does not enjoy the benefit of a system of "integrated administration at the officer level"; and the members do not retain sufficient time for discussion of matters of public policy.*

86 *The executive secretary of Montreal is the link between the executive committee and the directors of the departments. The executive secretary does not possess the powers and duties of the manager under the Cities and Towns Act nor those of the secretary general under the legislation that has established the Montreal Urban Community. The executive secretary is not granted the power to co-ordinate and direct the directors. The result is that, as indicated in the previous paragraph, a system of "integrated administration at the officer level" has not been*

established and therefore, it is reasonable to assume, full advantage is not being taken of the training, experience and abilities of the 22 directors and the administrative processes are not as effective as they could be.

87 *The above conclusions with regard to Montreal's decision-making processes, insofar as they relate to the*

- (a) *council, and*
- (b) *the mayor, but not as they relate to the*
- (c) *executive committee,*
- (d) *executive secretary and the directors of departments*

apply, essentially, but, naturally, on a different scale, to the decision-making processes of the cities of Quebec, Hull and Laval. In these three smaller cities, the services of a manager "under the authority of the executive committee" are used to co-ordinate and direct the heads of the departments and to establish and control a system of integrated administration at the officer level. Many of the executive powers and many of the administrative powers of the executive committee are delegated by the committee to the manager.

88 *There are three reservations to be stated with regard to each of these systems of decision-making, namely*

- (a) *Will the systems continue to function when the incumbent mayors are defeated at the polls, die or retire? Will the Civic Party in Montreal, for instance, remain viable when M. Drapeau does not sit in the council and is not the leader of the party?*
- (b) *Could the role of the councillors in each of these systems be expanded without interfering with the executive and administrative effectiveness of the system? Could policy committees of the council be appointed to study matters of major public concern and report thereon to the council? Could such committees undertake some of the work of a representation nature – listening to ratepayer associations, pressure groups, etc?*
- (c) *Since local political groups control the councils, decisions are made in caucus and, therefore, in private. Does private decision-making reduce the "quality" of the local government? In these circumstances, is the public's knowledge of the local issues adequate? Is the public aware of the policy alternatives?*

89 *The strength of each of these Quebec systems of local government decision-making rests in the following areas*

- (a) *the system is simple, direct and understandable by the public, with few special purpose authorities other than for education,*
- (b) *the responsibility and the accountability of the mayor and the councillors to the public for all of the local decisions and policies is established clearly,*
- (c) *the energy and time of the mayor and councillors (but not of the members of Montreal's executive committee) are conserved for matters of policy-making, public debate, representation, etc.,*
- (d) *the accountability of the executive committee to the council for the exercise of the municipal corporation's executive and administrative powers is clearly established while*
- (e) *in Quebec, Hull and Laval, an additional, extremely significant, strength has been added, namely, the accountability of the manager to the executive committee for the co-ordination and direction of the officers and the employees in the administration of the municipal corporation's affairs in accordance with the policies of the council and the committee.*

90 *Quebec's council-mayor-executive committee-CAO systems overcome many of the weaknesses that are to be found in Ontario's largest systems of local government.*

Table A

CITY OF MONTREAL
Council-mayor-executive committee-executive secretary system

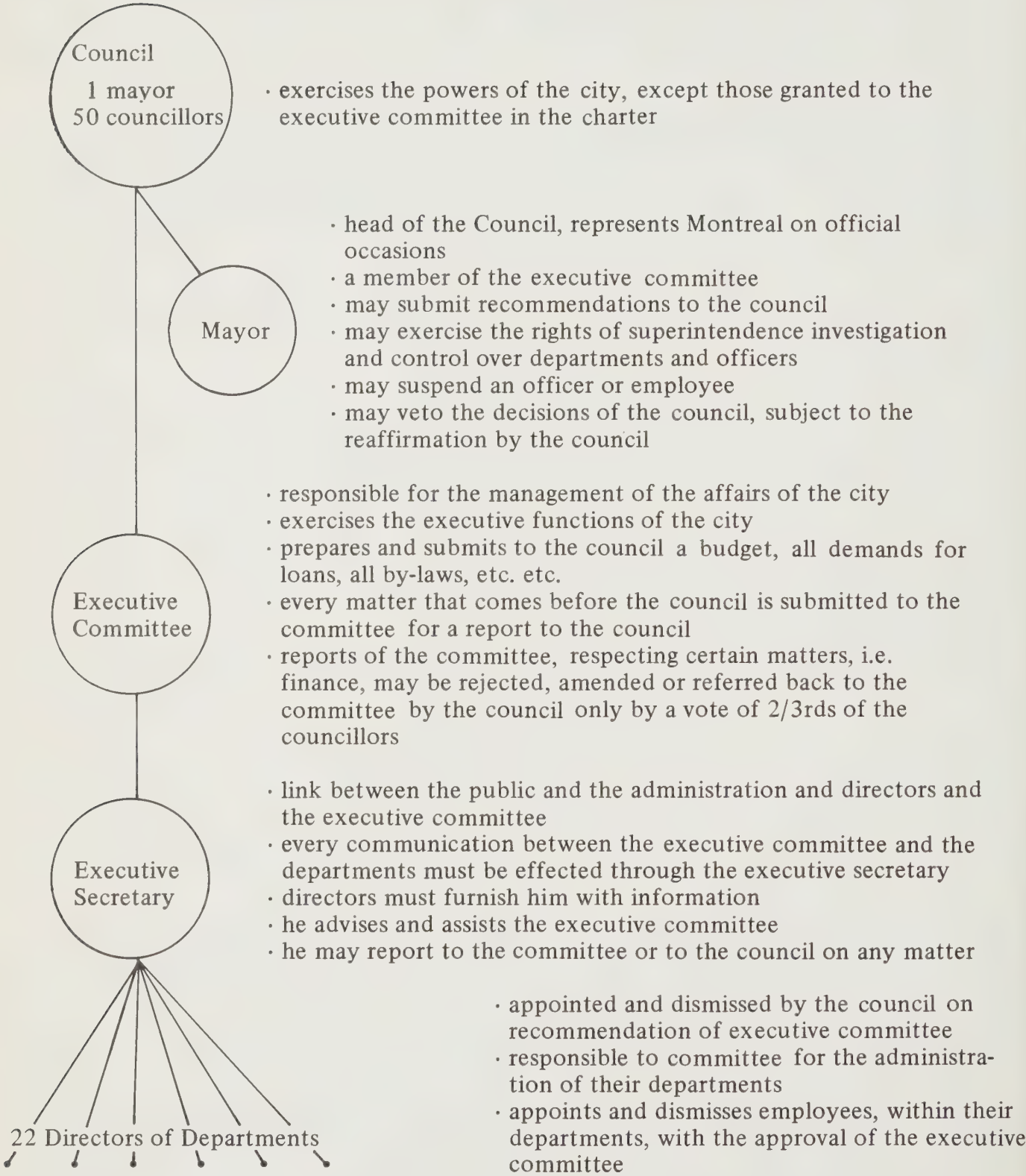


Table B-1

HISTORY OF MONTREAL'S CHARTER

The history of the City of Montreal, one of the oldest cities in America, is fascinating. The city's history forms an integral part of the history of one of Canada's two founding races and stretches back, unbroken, to the establishment of Montreal 300 years ago.

Because of the significance of Montreal; of the city's unique place in Canadian history; and, because the gradual evolution of responsible local self government in Canada is illustrated so graphically in the history of the gradual acceptance of the changes in Montreal's charter (both by the members of the Legislative Assembly in Quebec and by the citizens of Montreal), the history of the city's electoral and administrative systems, as reflected in its charter, is sketched out, very briefly, in the following sections.

The city's present charter may be traced, directly, to the founding of Montreal by Maisonneuve in 1642. The following are some of the highlights of the history of the charter.

1640's

Montreal is granted a charter. Maisonneuve is confirmed as the governor. *A resident trustee, elected by the people, is a member of the Quebec Council which is established by the king to look after the affairs of New France.*

1660 – 1700

Montreal loses its administrative privileges gradually and comes under direct control from Quebec.

1760's

After the English conquest, Montreal comes under martial law. All important decisions are made in Quebec. Montreal remains "deprived of its self government".

1790's

Montreal comes under the rule of justices of the peace. The people petition for a municipal charter; however, because of the city's rapid growth, the powers of the justices of the peace are extended greatly.

1830's

A municipal charter is finally granted to the citizens! *Montreal is authorized to elect a council of 17 members who, in turn, elect a mayor from among themselves.*

1837

The charter is not renewed. Montreal is subject to martial law under the authority of a court of sessions.

1840's – 1875

The city is granted a new charter. The governor-general appoints a mayor and a council composed of 18 members for 2 years. In 1842, from 6 wards, 12 councillors are elected from whom a mayor and 6 aldermen are chosen by the council. *In 1851 the mayor is elected by the people.* During this period the charter is amended frequently.

1880's

The distinction between councillors and aldermen is eliminated. The size of the council is increased substantially. The powers of the mayor are increased.

1910's

As the result of an official enquiry into abuses in the administration of the city, a new system is established. After a referendum, *the council consists of a mayor, elected at large; 31 councillors elected by ward and a board of 4 controllers elected at large, presided over by the mayor.* The controllers are elected for 4 years and their powers resemble those of an executive committee while the mayor and councillors are elected for two years. The increased powers of the mayor are abolished.

1918

Because substantial deficits are incurred in 1916 and 1917 and scandals take place, the powers of the council are entrusted to a commission of 5 members appointed by the province. The council is not abolished. In 1921, the commission is succeeded by a council of 35 and a mayor. *The concept of an executive-type committee of the council is established for the first time.*

1940's

Montreal, because of its poor financial position, is placed under the "tutelage" of the Quebec Municipal Commission. The city's powers are granted to a mayor and 99 councillors, for a term of 3 years, of whom 66 are elected; some by the property owners and some the tenants and property owners, 33 are appointed by public associations. The councillors who are elected from each of the three categories, select 2 members who, with the mayor, form the executive committee. The chairman of the committee is appointed by the council.

1960's

In the early '60s, in response to a movement in favour of change *the Legislative Assembly, unanimously, appoints a five-member commission to study the "electoral and administrative system" of Montreal, while Woods Gordon & Co., Management Consultants, are assigned the task to examine into the "efficiency and economy of the organization and operations" of the city.*

It is from the reports of the commission and the consultants and the subsequent dialogue between the members of Quebec's Legislative Assembly and the city's council and the many interested groups and individuals that Montreal's present electoral and administrative system was forged.

Table C-1

DECISION-MAKING IN THE CITIES OF MONTREAL AND TORONTO
the essential differences

Electoral system

The electoral systems are essentially the same — the mayor is elected at large and the councillors are elected by ward.

Local political parties

An effective system of local party politics has been established in the City of Montreal. One party has controlled the office of mayor and the majority of the seats in the council for the last decade. A system of local party politics has not been established effectively in the city of Toronto.

Council

Montreal's council exercises the legislative powers of the municipal corporation and the more significant executive powers. Toronto's council exercises all of the powers of the municipal corporation. Elaborate and time-consuming administrative procedures, including the

establishment of an executive committee and of administrative committees with the power to recommend to the council, have been devised to permit Toronto's council, theoretically, to exercise all of the powers of the municipal corporation – even the minor, routine administrative powers.

Mayor

Montreal's mayor is the leader of the party that controls a majority of the seats in the council. He is granted special legislative and administrative powers under the terms of the charter, however, because of his power as the leader of the majority party, these powers are rarely used. The mayor is not burdened with the details of administration and, therefore, he is free to allocate his time and energy to the leadership of the council, to the formulation of policy, to matters of major public concern. None of these elements apply in Toronto – with its council-weak mayor system.

Executive committees of the council

Montreal's executive committee exercises the executive powers of the municipal corporation that are not granted to the council and the administrative powers, including the power to supervise the chief officers in the administration of the departments. In Toronto, such duties are exercised, theoretically, by the council, itself, on the advice of an executive committee of the council and a series of administrative committees of the council. The committees supervise the chief officers in the administration of the departments and in the execution of the policies of the council. Toronto's committees are advisory and supervisory. Power is not delegated to the committees.

Administrative committees of the council

In Montreal, administrative committees of the council are not established. In Toronto, much policy, initiative and administrative control is exercised by the administrative committees of the council.

Chief Administrative officer

Montrel's charter provides for the appointment of an executive secretary to be the central figure in the administration of the city and to be the direct link between the executive committee and the chief officers of the departments. The executive director is not authorized to co-ordinate the efforts of the chief officers. In Toronto, an office, with duties similar to Montreal's executive director, has not been established.

Table D-1

EXTRACTS FROM THE CHARTER OF THE CITY OF HULL
(except where noted)

(a) **The powers and duties of the council**

(The council of the City of Quebec is comprised of a mayor and fifteen councillors; 12 of whom are selected from 3 districts and 3 of whom are elected from 3 districts.)

68b. The council shall have authority to:

- (a) adopt the budgets and vote the appropriations necessary for the administration of the city, submitted by the executive committee, with the right to amend the same within the prescribed delays;
- (b) approve contracts on behalf of the city in the cases where the executive committee cannot do so;
- (c) adopt the by-laws ordering works deemed to be capital expenditures and, authorize loans or levy taxes to pay for the same or order the payment thereof out of the unappropriated general funds;

- (d) enact all the city by-laws respecting any matter which it is entitled to regulate;
- (e) create by by-law the various city departments and establish the field of their activities;
- (f) decide upon any report submitted to it by the executive committee;
- (g) require reports from the executive council respecting any matter relating to the administration of the city;
- (h) approve the job classification plan, the scales of salaries and allowances relating thereto, upon the report of the executive committee;
- (i) delegate to the executive committee, by by-law, all powers conferred upon it by law except those granted to it by this section.

68c. On the report of the executive committee, which shall not be amended, the council shall appoint the clerk, the treasurer, the heads of departments and their assistants.

On the report of the executive committee, it shall also appoint the other officers or permanent employees, the members of the police department, those of the fire department and the regular employees of the external departments.

The temporary employees shall be appointed by the executive committee.

(b) The powers and duties of the mayor

(according to the Charter of the City of Quebec)

- (i) The mayor appoints the members of the executive committee.
- (ii) The mayor may institute an enquiry into the conduct of any officer or servant.
- (iii) The mayor may suspend any officer or servant and the suspension may continue until the council shall decide thereon.
- (iv) The mayor exercises the right of superintendence, investigation and control; the duty to make recommendations to the council, etc.
- (v) The mayor, ex-officio, is chairman of all committees and special bodies.

(c) The powers and duties of the executive committee

(The executive committee of the City of Quebec is composed of the mayor and 4 councillors.)

68d (1) The mayor shall be chairman of the executive committee; at the first meeting of the executive committee, he shall appoint one of the members as acting chairman; the latter shall carry out, during the chairman's absence or in the case of vacancy in such office, all the duties of the chairman.

Two shall constitute a quorum of the executive committee and the chairman shall have a casting-vote in the event of a tie.

(2) The committee shall sit in camera unless it deems that in the interests of the city its proceedings should be public.

(6) The executive committee shall exercise the executive functions of the government of the city which are principally the following:

- (a) to report to the council on any matter under the council's jurisdiction submitted by it, except where otherwise provided. If the resolution of the council is passed by two-thirds of the members of the council present, the executive committee shall report to it within thirty days of the passing of such resolution;
- (7) The executive committee shall prepare and submit to the council:
 - (a) all the by-laws;
 - (b) the annual budget of revenue and expenditures, not later than the 1st of April in each year, including the by-laws imposing the taxes, licenses, permits and other municipal dues;

- (c) every application for the appropriation of the proceeds of loans or for any other credit required;
- (d) every application for a transfer of funds or credits already voted;
- (e) every report recommending the granting of franchises and privileges;
- (g) every other application the object of which has not been declared to be under the exclusive jurisdiction of the executive committee;
- (h) every plan of classification of functions and of the salaries attached thereto.

(8) Every application, by-law or report submitted by the executive committee shall, except where otherwise provided, be approved, rejected, amended or referred back by the vote of the majority of the members of the council present at the meeting; however, any application, by-law or report on which the council has not taken a decision during two consecutive meetings shall be deemed to be approved and accepted by the council; nevertheless, the executive committee may submit again to the council, with or without amendment, a report already rejected by it.

(9) After taking into account the estimate of the city's revenue and studying the estimates of expenses submitted by the heads of departments and their reports and suggestions as presented by the manager, the executive committee shall prepare and adopt the budget for the following fiscal year; it shall also prepare and pass by-laws and resolutions imposing taxes, permits and licenses to meet the expenses, with due regard for all other revenue of the city.

(10) If, before the first of May, the council does not, in its turn, adopt the budget and pass the by-laws and resolutions relating thereto submitted by the executive committee, they shall automatically come into force on that date.

(11) Except where otherwise provided, the appropriations voted by the council, either by the budget or out of the proceeds of loans, or otherwise, shall remain at the disposal of the executive committee which shall see that they are used for the purposes for which they were voted, without further approval by the council.

(12) Except where otherwise provided, the executive committee shall fix the salaries of all city employees except those under the exclusive jurisdiction of the council. Any increase in the number of city employees in a department shall also be authorized by the executive committee, provided it has at its disposal the necessary appropriations.

(13) The executive committee may approve, without the authorization of the council and without tenders, any contract the amount whereof does not exceed \$3,000; it shall submit to the council for approval all contracts the amount whereof exceeds \$3,000. Nevertheless, after having called for and received tenders, it may alone, without the authorization of the council, approve any contract the amount of which does not exceed the amount placed at its disposal for such purpose. (in the City of Quebec these limits are \$5,000).

(14) Except in urgent cases, and unless exempted therefrom by the council following a recommendation by the manager and a report of the executive committee, the executive committee shall call for tenders in all cases in which the expenses to be incurred exceed \$3,000; except in such case of exemption, the executive committee may not approve the contract without the authorization of the council.

(15) In urgent cases, the executive committee shall, on the request of the manager, be entitled to pay any expenses which it shall deem necessary; the committee shall then submit to the council, at its next meeting, a report stating the reasons therefor.

(17) The executive committee may, without the consent of the council, cause to be carried out, by day labour, works the cost of which does not exceed \$10,000; nevertheless, the council may authorize the executive committee to cause to be carried out, by day labour, specified works of any kind the cost of which exceeds \$10,000.

(18) The executive committee shall see that the laws, by-laws, resolutions and contracts of the city are faithfully observed.

(19) The executive committee shall see to the preparation of plans and specifications and to the calling for tenders.

(20) The executive committee shall authorize the payment of all sums due by the city, in accordance with the formalities, restrictions and conditions prescribed by the charter.

(21) Every communication between the council and the departments shall be effected through the executive committee; in its dealings with the latter, the council shall always act by resolution. The members of the council shall apply to the manager only for any information respecting the departments.

(22) Every communication between the executive committee and the departments shall be effected through the manager; but the executive committee may, at any time, cause to appear before it the head of any department in order to obtain any information which it may desire.

(24) All heads of departments and their assistants, except the manager and his assistant, shall be appointed by the council on a report of the executive committee. Such report cannot be amended; it cannot be rejected except by an absolute majority of all the members of the council. On a report of the executive committee, the council may, by the vote of two-thirds of its members, suspend such officers, reduce their salaries or dismiss them.

Such officers may, within eight days of the delay for reconsidering the decision, appeal from such decision to the Quebec Municipal Commission whose decision, after investigation, shall be final.

(25) The heads of departments, unless otherwise provided by the charter, shall be responsible first to the manager and finally to the executive committee for the administration of their respective departments. At the request of the executive committee, they shall furnish it with written reports and give their written advice on any question concerning their departments.

(d) The powers and duties of the manager (1)

(According to the Charter of the City of Quebec, the manager is appointed by a vote of 2/3rds of the councillors present. The manager may be suspended or dismissed by a similar vote. The manager may appeal his dismissal to the Quebec Municipal Commission.)

105b The manager has the following powers and duties:

- (a) to manage the affairs of the city under the authority of the executive committee;
- (b) to exercise, by virtue of an executive committee mandate, authority over service heads, with the exception of the clerk of the court and the examiner;
- (c) to ensure the liaison between the executive committee and the service heads and to monitor the work done by the services;
- (d) to transmit to the executive committee the correspondence sent to him by the city services and to accompany such correspondence with his recommendations;
- (e) to attend executive committee meetings and to take part in discussions, without, however, voting rights;
- (f) if he deems it expedient, to add his own conclusions to the file of any matter submitted to the executive committee or to the council;
- (g) to attend council meetings and to provide any information and advice requested by the council
- (h) to report to the council on every question he feels should be brought to its attention;

- (i) to have access to all city files;
 - (j) to compel every civic servant or city employee to provide him with any information and any document for which he has been asked;
 - (k) to give to the deputy mayors any information they request;
- (1) as translated by the Citizenship Branch, Department of the Provincial Secretary and Citizenship
- (l) to ensure the realization of city plans and programs under the authority of the executive committees;
 - (m) to have plans and programs prepared with a view to repairing and maintaining city buildings and installations, under the authority of the executive committee;
 - (n) to have plans and programs prepared with a view to improving the performance and yield of city services and to ensure their normal development;
 - (o) to obtain, study and present to the executive committee, and even to the council if he deems it to the purpose, the projects prepared by the service heads on matters requiring the approval of the executive committee or that of the council, and to propose to the executive committee or to the council to take, within their respective jurisdictions, any decision which he deems to be in the interest of the city;
 - (p) to co-ordinate the budgetary estimates of the various services and to present them to the executive committee, and if he deems it to the purpose, to make any recommendations which he considers necessary to the executive committee or even to the council;
 - (q) to ensure the efficiency of every city service;
 - (r) to monitor expenses in co-operation with the treasurer, and to ensure that city money is used in accordance with the appropriation as set out in the budget, regulations and resolutions;
 - (s) to present without delay to the executive committee the list of accounts payable;
 - (t) to be ex-officio a member of the city personnel office;
 - (u) to open in the presence of executive committee members and tenderers, the tenders received for the works, and to recommend the acceptance of the one he deems the best.

68e. The duty of an agency designated by the name of "Personnel Office", composed of the manager, city treasurer and service head interested in the tendered case, is to recommend to the executive committee the hiring, promotion, transfer, demotion, suspension and removal of city employees, including appraisers with the exception however of the manager, service heads and their assistants.

CHAPTER XIV

Western Canada’s Council-Commissioner System

INTRODUCTION

- 1 This Chapter is based upon a study of reports, procedure by-laws, statutes and other information from the cities of Saskatoon, Edmonton, Calgary and Vancouver – the major Western Canada municipalities that have established the council-commissioner system of decision-making. Discussions were held, in the west, with officers of each of these cities and with officers of Alberta’s Department of Municipal Affairs.
- 2 The Chapter commences with an outline of the distinguishing features of the system. The role of each of the elements in the system is described – using the City of Edmonton as an example. Significant differences between Edmonton’s system and those of Saskatoon, Calgary and Vancouver are described.
- 3 Comments are made concerning recent developments in Vancouver and Edmonton.
- 4 Conclusions are drawn.

DISTINGUISHING FEATURES OF THE SYSTEM

- 5 The distinguishing features of Western Canada’s council-commissioner system are:
 - (a) the establishment of a small number of policy committees of the council to discuss and consider matters of policy and to report thereon to the council,
 - (b) the appointment of a board of commissioners (a group of persons, rather than a single person) to
 - (i) develop reports and recommendations to the council and its policy committees and to assist and advise the councillors in the exercise of their powers and duties,
 - (ii) supervise, subject to the policies of the council, the officers and employees of the municipality in the administration of the departments, and
 - (iii) ensure that the council’s policies and programs are implemented, and
 - (c) the granting to the council of the power to delegate its executive and administrative duties and powers to the board of commissioners.

For the purpose of illustration, four tables are presented at the end of this Chapter:

- Table A – Powers and Duties of Commissioners in the provinces of Saskatchewan, Alberta and British Columbia,*
- Table B – Powers and duties of the board of administration, City of Vancouver,*
- Table C – City of Edmonton, council-commissioner system*
- Table D – City of Vancouver, council-commissioner system*

COUNCIL

(using the City of Edmonton as an example)

- 6 The council is few in numbers. In Edmonton, the mayor is elected at large and 12 councillors are elected from a system of 6 wards for a term of 3 years.
- 7 The council functions as a legislative body. It exercises the powers of the municipal corporation and is ultimately responsible for the policies of the corporation, for the execution of these policies and for the administration of all of the affairs of the City. However, by the establishment of the council-commissioner system, the council is in a position to restrict its participation primarily to matters of policy.
- 8 The council of the City of Edmonton, unlike an Ontario council, is responsible for the

maintenance and operation of a number of very large public utility systems, i.e. telephone, electricity, transportation and one of the airports that serves the local area and the Canadian northwest.

9 The council of the City of Edmonton has established a board of commissioners to consider and report to the council with regard to matters of policy and a board of administration to assist and advise the board of commissioners and to be the chief administrative agency of the city.

POLICY COMMITTEES OF THE COUNCIL (using the City of Edmonton as an example)

10 One of the distinguishing features of the council-commissioner system, as indicated in paragraph 5, is the council's decision to establish a system of policy committees of the council. The chief duty of the policy committees is to study and to discuss proposals of the councillors, the officers and the public for new policies or for amendments to existing policies and to make recommendations thereon to the council. The council does not delegate or assign administrative powers and duties to the policy committees.

11 In Edmonton, 4 policy committees of the council, with a broad range of functional responsibilities, have been established as follows:

- a finance and budget policy committee,
- a public works policy committee,
- a utilities policy committee, and
- a committee, the legislative policy committee.

The legislative policy committee co-ordinates the efforts of the other committees.

12 The first three committees are comprised of 4 aldermen and the mayor, ex-officio; while the last of the committees is comprised of the mayor, the chairman of the other policy committees and the chief commissioner (non-voting). Each councillor sits on two of the policy committees.

13 The council, as indicated earlier, does not delegate administrative powers to the policy committees. The administrative powers are delegated to the board of commissioners and/or the board of administration.

14 The persons that have developed the council-commissioner system in Western Canada, insofar as the formulation of policy is concerned, have recognized, in the allocation of duties and responsibilities to the members of the council and to the commissioners and other officers, that

- (a) policy cannot be developed in a vacuum, nor can policy be based entirely on administrative considerations,
- (b) the formulation of policy frequently requires a combination of political judgment and of administrative experience, and
- (c) mutual respect, understanding and co-operation between the councillors and the commissioners is absolutely essential.

15 As is the case with municipal councils, in other sections of Canada, the council's representation duties are becoming increasingly significant in this era of urbanization and changing social and economic attitudes. One of the most time-consuming and demanding duties of the policy committees is to exchange views, on behalf of the council, with ratepayer associations, neighbourhood groups and members of the public who wish to present their opinions, problems and grievances to the council.

16 The policy committees provide a forum for an exchange of ideas between the councillors and the commissioners and, also, an excellent opportunity for the councillors to secure adequate and detailed explanations from the commissioners and the officers concerning the administrative activities of the departments, without the allocation of an excessive amount of the councillors' time.

17 The policy committees' relationships with the commissioners are, primarily, advisory and consultative. The reports of the policy committees are presented to the council, through the board of commissioners. The board considers the reports of the committees and submits the reports, and its comments thereon, to the council.

18 Each policy committee is available to one, or more, of the commissioners for assistance with regard to a problem that falls within the committee's jurisdiction.

19 In the development and formulation of a proposed policy, each of the commissioners works closely with one of the policy committees. The commissioner participates actively in the discussions of the committee.

20 Each policy committee is advised by the commissioner who is responsible to the council for the co-ordination and the direction of the affairs of the department or departments that administer the services and the activities that come within the committee's terms of reference.

21 The policy committees of the council have been called, in western Canada, the "safety valves" of the council-commissioner system's decision-making processes.

22 If the system of policy committees is to be effective, the councillors must make a determined effort to confine their activities to the development and the formulation of policies; while the commissioners must make an equally determined effort to exercise the powers that are delegated to them by the council with integrity, energy, sound judgment and common sense.

MAYOR

(using the City of Edmonton as an example)

23 In Edmonton, the mayor is the head of the council, a member, ex-officio, of the policy committees of the council and the chairman of the board of commissioners. As the result of the close working relationships between the mayor and the chief commissioner, the mayor controls the preparation of the council's agenda. His communications with the council are usually through the chairmen of the policy committees.

24 As the chairman of the board of commissioners, the mayor is the leader of the commissioners and the officers of the city. One of his most important roles, as chairman, is to co-ordinate the efforts of the commissioners and the officers with those of the councillors. The mayor is active in the administrative affairs of the commissioners.

25 The mayor's prime function, however, is to provide leadership to the councillors, the officers and the community. Therefore, the first claim against his time and energy is the important issues of the community; the matters of major public discussion and debate; the relationships between the City of Edmonton and the governments of Alberta and Canada and the local boards and commissions and the neighbouring municipalities.

26 The mayor is Edmonton's first citizen. The social and ceremonial duties of the office are demanding and time-consuming.

BOARD OF COMMISSIONERS AND BOARD OF ADMINISTRATION

(using the City of Edmonton as an example)

27 The establishment of a board of commissioners and/or a board of administration is another of the distinguishing features of the council-commissioner system.

28 The council of the City of Edmonton has established and maintains a board of commissioners and also a board of administration. The first of these boards is comprised of the mayor as chairman and 4 full-time trained and experienced officers (a chief commissioner and 3 commissioners), while the second board is comprised of the same persons with the exception of the mayor. The first of the boards is concerned, primarily, with matters of policy, while the second board is concerned, primarily, with matters of administration.

Powers and duties

29 The following is a statement of the powers and duties of these two separate boards.

The Board of Commissioners

- (a) *considers and reports to the council with regard to every recommendation that is concerned with the establishment of a new policy or the revision of an existing policy. (Most of the recommendations to the council originate in the board of commissioners; a lesser number originate in the policy committees of the council.)*

The Board of Administration

- (a) *prepares reports and recommendations (usually on its own initiative) to the board of commissioners with regard to every matter that is concerned with the establishment of a new policy or the revision of an existing policy, and*
- (b) *is the chief administrative agency of the municipal corporation and is responsible to, and is accountable to, the council for the leadership, co-ordination, direction and control of the administrative organization that is established to implement the policies and to provide the services that are approved by the council. (It is in connection with these administrative duties that the council delegates extensive executive and administrative powers to the board of administration.)*

Procedures of the Board

30 In Edmonton, the reports of the policy committees, for purposes of co-ordination, are submitted to the board of commissioners who consider and report to the council thereon. In addition, the board of commissioners studies and reports to the council on a wide range of matters that do not fall within the terms of reference of any of the policy committees. The majority of these matters originate in the board of administration. The nature of the board's reporting to the council in other western cities is discussed in paragraphs 55 to 62.

31 Most of the affairs of the boards of commissioners in Edmonton originate as reports or recommendations of the board of administration. Most of the affairs of the board of administration, in turn, originate as reports or recommendations from the heads of the departments. If the board of administration does not concur with the opinion of a head, the members of the board must develop an alternative, with the assistance of the head involved, and present the alternative, with the original recommendation of the head, to the board of commissioners who submits the entire matter to the council for its decision.

32 *It is to be emphasized that, under the system, the head of a department is required to prepare his own recommendations, independent of the board of administration. These recommendations are presented to the council with the board's approval, the board's comments, or the board's alternative. The result is that,*

- (a) *the heads of the departments are required to assume a high degree of responsibility and accountability (thereby becoming better administrators), and*
- (b) *the council secures the benefit of the independent opinion of the commissioners on the recommendations of the heads of the departments.*

Decisions of the Board

33 The powers of both of the boards are exercised by a majority of the members. Decisions are binding on each member. Decisions are unanimous, usually, because they are not taken until a consensus has been achieved. (A considerable amount of time, and much skill, is required, sometimes, to achieve a consensus.) Occasionally, a member may withhold his vote. A minority report from a commissioner is unusual.

Board of Administration only

34 A board of administration (the members of the board of commissioners, with the

exception of the mayor) was developed in order to remove from the board of commissioners the need to deal with matters of administration and, thereby, to relieve the mayor of the need to allocate his time to such time-consuming and highly technical matters.

35 In addition, experience in the western Canadian cities has been that it is difficult and at times, almost impossible, to segregate matters of policy from matters of administration. Therefore, the operation of two separate boards, in spite of the advantages to the mayor, has been confusing and has given rise to a duplication of discussion. As a result, the two separate boards have been eliminated, for instance, in Saskatoon, Calgary or Vancouver. *A single board is established in these cities and that board exercises the powers and duties that are outlined in paragraph 29.*

Council-commission relationships

36 The council is responsible, ultimately, for policy and administration, however, because of the “sheer pressure of business” the council has delegated its administrative powers and duties to the board of commissioners to be exercised according to the policies and the directions of the council. Policy and administration cannot be separated, completely, into water-tight compartments. Therefore, in the formulation of policy by the council and in its implementation by the board of commissioners, the axiom “policy begets administration and administration begets policy” is very much in evidence.

37 As stated in paragraph 14, there must be a close working relationship between the council, as the policy-making body, and the board of commissioners, as the council’s administrative agency. While the board of commissioners does not possess the power to adopt a policy, the board does have a responsibility, nevertheless, to initiate policies, with a clear statement of the reasons (pro and con) for the policies. Conversely, it is a duty of the councillors to suggest likely policies and to request the commissioners to identify the pros and cons and to study the administrative feasibility of the ideas suggested.

Other matters

38 *The range of the duties of a major Canadian municipality, in the opinion of the persons who have developed the council-commissioner system is so varied and its decision-making processes are so complex, that the exercise of its administrative powers is beyond the experience of a single person. Therefore, the municipal corporation is better served if the administrative powers are delegated to a group of persons each with a different professional background, rather than to a single person.*

39 A board of officers provides the unity that is essential to effective administration and a board, also, provides an opportunity for action and re-action between senior officers during the development and formulation of policy recommendations and the administrative decisions.

40 A board of officers provides a vehicle for the preparation of thorough and thoughtful recommendations to the council, with well-prepared reports which support the recommendations.

CHIEF COMMISSIONER

41 Saskatoon, Edmonton and Calgary have appointed a chief commissioner. Vancouver has appointed two commissioners of equal rank.

42 The chief commissioner has two prime roles — the maintenance of an effective liaison between the mayor, the councillors and the commissioners and the leadership and the co-ordination of the work of the commissioners and officers. The chief commissioner’s “stock-in-trade” is leadership, compromise, co-ordination, planning and control.

43 The mayor-chief commissioner relationships are extremely important. Mutual respect and understanding are essential! The chief commissioner strives to assist and to advise the mayor in his role as the leader of the council and a leader of the community to the fullest extent possible. Yet, he also strives to be the “council’s man and not the mayor’s man”.

44 One of the chief commissioner's most sensitive tasks is related to the preparation of the agendas of the council and of the policy committees and to the thoroughness with which the reports, that support these agendas, are prepared. (The reports should be clearly written, logical, well documented and be furnished to the councillors well in advance of the meetings.) The chief commissioner must work closely with the mayor in the scheduling of items on the agendas. (In Calgary, the preparation of the agendas has become quite formal – an agenda committee, comprised of the mayor, the chairman of the policy committees and the chief commissioner, prepares the agendas of the council.)

45 The chief commissioner, like Quebec's municipal manager, is authorized to speak to the council concerning any matter which, in his opinion, should be brought to the council's attention.

46 While the chief commissioner is only one member of the board of commissioners and, in spite of the board's corporate nature and the concept that the board's decisions be by consensus, the chief commissioner exercises the duties of a chief administrative officer of the municipal corporation and he ensures that the council's policies and programs are being carried out by the other commissioners and the heads of the departments.

COMMISSIONERS

47 A commissioner is appointed by the council to be a member of the board of commissioners and to participate in the exercise by the board of its powers and duties. A commissioner is assigned by the board, with the council's approval, responsibility for certain specified parts of the board's duties – usually, by department, within a specified function – i.e. environment, finance, works and operations.

48 The heads of the departments report to the board through the responsible and the accountable commissioner.

49 A commissioner is a trained and experienced municipal officer. Frequently, he has been a senior officer of the municipality prior to his appointment as a commissioner. A commissioner should possess maturity, integrity, the ability to present recommendations, effectively and, subject to the accepted standards of respectfulness, the ability to support his recommendations before the council.

50 The effectiveness of the council-commissioner system depends, to a great extent, on the personal attributes and management skills of the commissioners.

HEADS OF DEPARTMENTS

51 The heads of the departments are appointed by the council on the recommendation of the board of commissioners. They report to the board through one of the commissioners. Each is the head of a department; is responsible for the recommendations to the board that arise from a department; is the second line of command and is, of course, essential to the effective administration of the departments of the corporation.

52 These officers are required to prepare the recommendations to the commissioners that arise from within a department and to advise the board of commissioners and, if necessary, the council with regard to them.

53 The board of commissioners, with the council's approval, is authorized to delegate certain of its powers to officers – thereby, establishing the responsibility and the accountability of the line officers to the board; freeing the commissioners for other, more significant work; and contributing to the development of an effective administrative organization.

DIFFERENCES BETWEEN EDMONTON, SASKATOON, CALGARY AND VANCOUVER

54 In Saskatoon, there are 11 councillors, in Calgary there are 13, while in Vancouver there are 11, including, in each case, the mayor.

Policy committee

55 In Saskatoon there are 3 policy committees of the council, in Calgary there are 4, while in Vancouver there are 5.

56 In Calgary, as in Edmonton, prior to '68, the reports and recommendations of the policy committees, for the purposes of co-ordination, were submitted to the board of commissioners whose duty it was to consider the report or recommendation and to report thereon to the council. In Calgary, commencing in '68, this procedure was changed.

57 *At the time of writing, every report and recommendation of the board of commissioners that falls within the terms of reference of one of the policy committees is submitted not to the council but to the particular committee within whose terms of reference the report or recommendation falls. After the report or recommendation has been discussed by the committee and is acted upon, it is submitted to the agenda committee, with the policy committee's recommendation, for inclusion in the council's agenda. Matters that are within existing policy and, therefore, within the powers of the board of commissioners, continue to be submitted by the board directly to the council.*

58 This change was introduced to reduce the time required for discussion in the council and to achieve a higher degree of acceptability of the recommendations of the board of commissioners when they reached the council. The change, in the opinion of Calgary's clerk of the council, has accomplished its purpose.

59 It is to be emphasized that *many of the board of commissioners' recommendations to the council are within the existing policies of the council, are administrative in nature and, therefore, are not submitted to a policy committee but directly to the agenda committee for inclusion in the agenda.*

60 Vancouver, by the utilization of the distinguishing features of the system, has made a contribution to the development of the council-commissioner system. The council has

- (a) established a system of five policy committees of the whole council and, thereby, has retained the unity of the council,
- (b) established a two-man board of administration, and
- (c) taken full advantage of its authority to delegate "executive and administrative powers" to the board.

61 A review of Vancouver's charter, its procedure by-laws, its manuals and a long discussion in Vancouver with one of the members of the board of administration disclose that

- (a) the terms of reference of the policy committees of the whole council are functional and logical and the manner in which the policy committees carry out their duties, conforms to the ideas that are expressed in paragraphs 10 to 22,
- (b) two experienced and nationally-respected municipal officers (called commissioners) have been appointed as the members of the board of administration (the board's administrative powers and duties are extensive; however, it is to be noted that the heads of the departments report to the council and not to the board), and
- (c) many of the council's executive powers are delegated to the board and, in addition, much of its day-to-day administrative powers are delegated to the board and to the senior officers.

62 *Essentially, because of the utilization of these three features of the system and, in addition, because the mayor is not burdened with administrative duties, the mayor and the 10-member council of the City of Vancouver – Canada's western gate to the Pacific with its 450,000 people – are able to govern and exercise the powers of the municipal corporation without the appointment of either an executive committee of the council or of a system of administrative committees of the council.*

Mayor

Chief executive officer of the municipal corporation

63 Although the Province of Alberta has discontinued in its statute the statement that the mayor is the chief executive officer of the municipal corporation, both Saskatchewan and British Columbia continue to make this statement in their statutes.

Member of the board of commissioners

64 In Saskatoon, Edmonton and Calgary, the mayor is a member, ex-officio, of the board of commissioners and, therefore, "the chief legislative officer and, also, the chief administrative officer of the municipal corporation"; while, in Vancouver, the mayor is not a member of the board of administration and is, therefore, the city's chief legislative officer, only.

65 At the time of writing, in Saskatoon the mayor does not exercise his powers as a member of the board of commissioners. In Calgary, at the time of writing, the mayor does not exercise his powers as a member of the board. Calgary's by-laws were amended in '68 to relieve the mayor of the duty of being the board's chairman. This duty was assigned to the chief commissioner. In Edmonton, on the other hand, at the time of writing, the mayor is the chairman of the board and actively exercises the chairman's powers. In Vancouver, when the council-commissioner system was established, the mayor was required, under the terms of the city's charter, to be a member of the board of administration. However, some years ago, in recognition of the need to free the mayor to devote his time and energy to leadership; to inter-governmental relations; to ceremony; to hospitality; etc.; the mayor of Vancouver was relieved of the duties of a member of the board of administration.

66 Although a statement of the reasoning of western Canada's provinces with regard to the role of the mayor as a member, ex-officio, of the board of commissioners is not available, the provision would appear to reflect the notions that,

- (a) an elected member's point of view should be brought to bear at the outset of the board of commissioners' discussion of controversial issues in order to decide what evidence is needed and how the issue should be analyzed, and
- (b) the exercise of the board's delegated powers should be monitored by a member of the council.

Both of these notions would appear to be based on a misconception of the role of the board of commissioners. Primarily, the mayor's internal role is to lead the councillors in the development and formulation of the council's policies; whereas, the board's role is to assist the councillors and to administer the municipal corporation's affairs in accordance with policies established by the council.

67 The idea of establishing a board of commissioners and/or a board of administration to administer the affairs of a large municipality under the council's control, is sound! *However, in the opinion of this study, the idea of appointing the chief elected representative of the people to the board is questionable and may lead to difficulties.*

68 The reasons for this opinion are as follows:

- (a) As is developed in Chapter III, in a large municipality it is not possible for one person to carry out the duties and the responsibilities of the leader of the council and the community and, at the same time, carry out the duties and responsibilities of the chief administrative officer; either or both of these duties will suffer — to the detriment of the public, the councillors and the officers.
- (b) The idea of treating as equal the vote of the chief elected representative of the people and the votes of appointed officers, within the corporate structure of a board of commissioners, does not conform to democratic concepts. For this reason the appointed commissioners are reluctant to vote down the proposals of the mayor.
- (c) Some of the mayors have felt that they were under pressure to support the

recommendations of the appointed commissioners and that this pressure tended to limit their freedom of initiative with the other members of the council.

- (d) Since the mayor is the chief elected officer, he will dominate the discussions and the decisions of the board — even if he is not the chairman of the board. The mayor's dominance of the board is not desirable from the commissioners' point-of-view and many councillors are concerned with this aspect of the system.
- (e) The training, attitudes, personalities, satisfactions and problems of a person who must seek election to a high public office and a person who is appointed to a high public office are usually very different, indeed! These differences give rise to emotional stresses and strains and to difficulties, delays, low morale and, in some circumstances, they interfere seriously with the effectiveness of the board — to the detriment of the public, the councillors and the officers.
- (f) The corporate nature of the board of commissioners (with the mayor as chairman, or as a member and the pressure to achieve a consensus) may give rise to extremely disturbing and exhausting human relationships between the mayor and the commissioners. The mayor's interference in matters of day-to-day administrative detail may discourage the commissioners and annoy the councillors. (One of the factors, in the opinion of many, that prevents some of the better administrators from accepting a public office in the large Canadian municipalities is the nature of this type of elected-appointed relationship.)

69 The experience in Saskatoon, Edmonton, Calgary and Vancouver with the mayor as a commissioner, is that the person elected to be mayor may

- (a) be of the opinion that the appointed commissioners are quite capable, subject to the control and direction of council, of administering the city's affairs and that the mayor's energies will be allocated to much better advantage if they are allocated to the leadership of the council and the community, to matters of ceremony and hospitality and to the community's most important problems,
- (b) dominate the discussions and the decisions of the board,
- (c) clash sharply and bitterly with the appointed commissioners because of differences of training, attitude, personality, etc.,
- (d) not elect to allocate any of his time to the administrative duties of the board, and
- (e) not accept the idea that his role, as a member, ex-officio, of the board of commissioners, is to represent the point-of-view of the other members of the council.

70 *The council-commissioner system is essentially similar to the American council-manager. Whereas, under the council-manager system, the council delegates executive and administrative powers to a single administrator, under the council-commissioner system the council delegates powers to a board of administrators composed of 3 or 4 persons. However, there is one major difference in the systems! Under the council-manager system, the elected members of the council are not involved directly in the exercise of the delegated administrative powers and duties, whereas under the western Canada system, in some cities, the mayor is involved, directly, in the exercise of such powers and duties.*

71 In the opinion of experienced persons in the Canadian west, with whom thorough conversations were held, the practice of requiring the mayor to be a part of (usually the dominant part) the administrative processes of a major municipality is a mistake! Saskatchewan municipalities have experienced difficulties! Alberta municipalities have had difficulties! Vancouver has discontinued the policy!

72 *In the opinion of this Study, the powers and duties of a board of commissioners and/or a board of administration, would be exercised more effectively if the membership of the board was restricted to trained and experienced appointed municipal officers.*

COMMENTS ON RECENT DEVELOPMENTS IN VANCOUVER AND EDMONTON

City of Vancouver

73 A public discussion has been taking place in Vancouver with regard to the representativeness of the council and the role of the board of administration. The chief concern of the public is that the membership of the council is too small and that all of the areas and the social and ethnic groups in the city are not represented in the council.

74 The discussion has been between the Minister of Municipal Affairs; the mayor and the members of the council (who are members of three different local political groups); associations (i.e. the Board of Trade); academics and the newspapers.

75 The council, at present, is comprised of a mayor and 10 aldermen elected at large for a term of two years, while the board of administration is comprised of two administrators.

76 Although a number of changes have been suggested, **the changes that seem to have achieved the broadest acceptability in the community are as follows:**

- (a) *The present system of a mayor and 10 aldermen should be replaced by a mayor elected at large* (there is a strong view that, in the interests of unity and harmony, the mayor should be selected by the councillors from among themselves), *and an expanded council of 18* (1/3rd by ward and 2/3rds at large) *elected for a term of 3 years.* (The ratio of one alderman for each 44,000 persons would be reduced to one alderman for each 25,000 persons.)
- (b) *The council should improve its awareness of the manner and the basis on which the board of administration prepares its recommendations to the council* by the establishment of a system of monthly meetings between the mayor and the chairman of the policy committees and the members of the board.
- (c) *The board of administration should be strengthened* by the appointment of a third member to the board.

City of Edmonton

77 A firm of management consultants has recently completed a study of the senior management functions of the City of Edmonton and has examined the powers and duties of the mayor, the council, the policy committees of the council, the board of commissioners, the board of administration, the chief commissioner and the commissioners.

78 The firm's most significant recommendations are related to the composition of the policy committees and the functions of the mayor as the chief executive officer and of the chief commissioner as the chief administrative officer.

79 The firm recommended that

- (a) **the present system of four policy committees of the council, (each composed of four members) be replaced by three committees of the whole council** (as in Vancouver) and to improve communication,
- (b) **the board of commissioners attend the meetings of the policy committees.**

80 The management consultants expressed the opinion that the establishment of a system of committees of the whole council will

- (a) bring unity to the council,
- (b) eliminate ineffective delegation,
- (c) avoid duplication of discussion (in the committees and subsequently in the council),
- (d) improve co-ordination, efficiency and feedback within the council, and
- (e) give each of the aldermen a chance to contribute to all of the decisions of the council.

81 In studying the functions of the mayor and the chief commissioner, the firm examined a

number of alternatives to the present board of commissioners (comprised of the mayor as chairman, the chief commissioner and the commissioners of public affairs, economic affairs and utilities and engineering). The alternatives examined were:

- (a) a mayor and an executive committee of 3 full-time aldermen,
- (b) a mayor and an executive committee of 3 full-time aldermen, with a commissioner reporting to each alderman,
- (c) a mayor and a manager,
- (d) a mayor and 3 appointed commissioners (the mayor would be the chief administrative officer – the chief commissioner would be eliminated), and
- (e) a mayor and an appointed chief commissioner and 3 appointed commissioners, with the mayor as a member, ex-officio.

The firm recommended alternative (e) – a modification of the present system.

82 To clarify the responsibility and authority of the chief commissioner, and to equate his authority with his responsibility as chief administrative officer of the municipality, the firm recommends that (a) the mayor be a member of the board of commissioners, but not the chairman, (b) the chief commissioner be the chairman and be granted the power to co-ordinate, direct and control the administration and the operation of the city, and (c) the mayor's role on the board be to provide the views of the council and ensure that political ramifications, if any, are brought to the attention of the board.

83 The study recommended that the board of commissioners increase its activities in the area of planning and organizing and reduce its activities with regard to directing and controlling and, in addition, that the board concern itself exclusively with matters of policy and matters that require the council's approval.

83a The council recently rejected the recommendation concerning the composition of the policy committees (79(a)), but accepted the recommendation concerning the responsibilities of the mayor and the chief commissioner (82).

CONCLUSIONS

84 *The development of Western Canada's council-commissioner system represents a significant Canadian contribution to the art of local self government.*

85 *The system is based upon the principles of the council-manager system or, as the Study prefers, the council-CAO system, with the exception that the council elects to delegate executive and administrative powers to a board of officers (with the mayor, usually as a member, ex-officio), rather than to a single officer. The system has been established in large western Canadian cities where the range of the powers and duties of the municipal corporations is wide, varied and complex. In these cities, it has been the opinion of the public and the councillors for many years that the interests of the cities are better served if the council delegates powers to such a board rather than to a single officer.*

86 *The establishment and revision of policy is well provided for in the system because of the establishment by the council of a number of policy committees of the council to study, report and recommend to the council with regard to every matter of policy before the matter is presented formally to the council. (If the policy committees are committees of the whole council, as they are in the City of Vancouver, the unity of the council is maintained.)*

87 *The council's authority to delegate its powers permits the council "to establish a systematic and co-ordinated approach to the management of the municipality" and to*

- (a) *allocate powers and duties to the councillors and to the officers in a clear and understandable manner,*
- (b) *allocate the bulk of its time, (without administrative distractions) to its prime powers and duties to the electors, namely*
 - (i) *the development of the municipality's policies and their continuous review and revision, and*

- (ii) *to be available to the electors and others for the discussion of problems, complaints, the exchange of points-of-view, and*
- (c) *establish a board of officers to be responsible to, and accountable to, the council for the administration of the day-to-day affairs of the municipality, in accordance with the council's policies and directions.*

88 *By the establishment of a board of officers the council assembles a knowledgeable and experienced team of administrators whose services are available to*

- (a) *assist and advise the councillors, and*
- (b) *lead, co-ordinate and direct the municipality's officers in the implementation of the policies of the council and in the administration of the services that are provided to the public by the municipality.*

89 *There is a high degree of accountability in the system – the councillors to the public, the board of administration to the council, the heads of the departments to the board of administration.*

90 *If the mayor takes advantage of the availability of the services of a board of administration that is comprised of trained and experienced officers, he is free to allocate his time and energy to his prime duties to the electors and to the municipal corporation.*

91 *The membership of the mayor, on the board of administration, ex-officio, is not in accord with the democratic concepts; gives rise to undesirable mayor-commissioner relationships and reduces the effectiveness of the members of the board.*

92 *The operation of two boards (a board of commissioners and a board of administration both of which have a common membership with the exception of the mayor) not only is time-consuming, but also gives rise to duplication of effort and uncertainty of jurisdiction.*

93 *Western Canada's council-commissioner system overcomes many of the weaknesses that are to be found in Ontario's largest systems of local government.*

Table A

POWERS AND DUTIES OF COMMISSIONERS in the provinces of Saskatchewan, Alberta and British Columbia

SASKATCHEWAN, The City Act

- 46(1) Subject to the legislative jurisdiction of the council, there shall be vested in the commissioners all such powers and duties as shall be specified by by-law or resolution of council.
- (2) The powers thus delegated may include such executive duties of the council as required the exercise of a discretion or are judicial or quasi-judicial in their character; and they may be altered by by-law or resolution of the council.

ALBERTA, The Municipal Government Act

87(1) A council may by by-law, provide for the delegation of any or all of its executive and administrative duties and powers to one or more municipal commissioners or to a municipal manager.

- (2) The municipal commissioners or the municipal manager, as the case may be, shall exercise the powers and duties set out in this act, and such other powers and duties as may be vested, confirmed or delegated by by-law or by resolution of the council.

BRITISH COLUMBIA, the Vancouver Charter

162A The council may by by-law provide for the appointment of a board of administration and may delegate to such board any of the executive or administrative powers exercisable

by the council or any of the functions or duties by this act specifically assigned to any officer or employee. The council may by such by-law make provisions with respect to

- (a) the persons who shall constitute the board;
- (b) the remuneration that shall be payable to the members of the board, if the membership of the board includes members of council, the remuneration payable shall be in addition to the remuneration received as a member of council and shall not disqualify such member from continuing to hold office as a member of council;
- (c) the matters coming within the jurisdiction of the board;
- (d) the procedure to be followed by the board;
- (e) such other matters as council may deem fit.

Table B-1

POWERS AND DUTIES OF THE BOARD OF ADMINISTRATION

City of Vancouver

Appointment and Constitution

Pursuant to the provision of the Vancouver charter, the council shall appoint a board of administration

The board shall consist of two civic officials known as commissioners, of proven administrative ability and extensive municipal service

Duties of the Board

- (i) The effective execution of council policies and legislative enactments,
- (ii) The proper co-ordination of city departments and direction of the city's business affairs,
- (iii) Advising and assisting council,
- (iv) Make recommendations to council, advise on matters of policy and make regular or special reports to council as required,
- (i) To develop a plan for the proper organization of civic departments,
- (ii) To exercise a general control over the city hall and other places
- (vii) To recommend to council the sale or acquisition of real property,
- (viii) To present to council each year a budget of anticipated revenues and expenditures;

- (i) The effective execution of council policies and legislative enactments,
- (ii) The proper co-ordination of city departments and direction of the city's business affairs,
- (iii) Advising and assisting council,
- (iv) Make recommendations to council, advise on matters of policy and make regular or special reports to council as required,
- (v) Maintain liaison with civic boards,
- (vi) Deal with all letters intended for council,
- (vii) To recommend to council the sale or acquisition of real property,
- (viii) To present to council each year a budget of anticipated revenues and expenditures; recommend expenditures within an approved capital programme,
- (ix) To furnish to council an annual report of the city's financial affairs.

Powers of the Board

- (i) To develop a plan for the proper organization of civic departments,
- (ii) To exercise a general control over the city hall and other places maintained by the council,
- (iii) To recommend appointment or removal of department heads and supervise the development and administration of a sound personnel program,
- (iv) To establish effective internal controls to safeguard the assets under control of council,

- (v) To call for tenders in accordance with council policy for the purchase of services, works, material, supplies, equipment etc., or the sale of real or personal property previously authorized by council,
To open such tenders in public,
To accept tenders for goods and services to a value of \$50,000; where a tender is considered to give greater value than the low bid, or where local preference or union status or both is involved, the tender shall be submitted to council for acceptance,
To conclude and execute contract on behalf of the city as a result of acceptance of tenders,
To report formally all contracts to council for information,
- (vi) To invest funds in accordance with the powers set out in the Vancouver Charter and make periodic reports to Council,
- (vii) To settle claims, provided any claim exceeding \$500 shall require prior approval of council.

The board shall not exercise any control over the assessment commissioner or the city clerk in the performance of statutory duties

Pursuant to the Vancouver charter, the council has adopted an administrative manual (an extremely well-prepared and impressive document) that defines, delineates and codifies

- (a) the powers, duties and responsibilities of the board of administration and the heads of the departments, and
- (b) the administrative policies and practices of the council that are to be observed by the board of administration and the heads of the departments.

Table C

CITY OF EDMONTON
Council-commissioner system

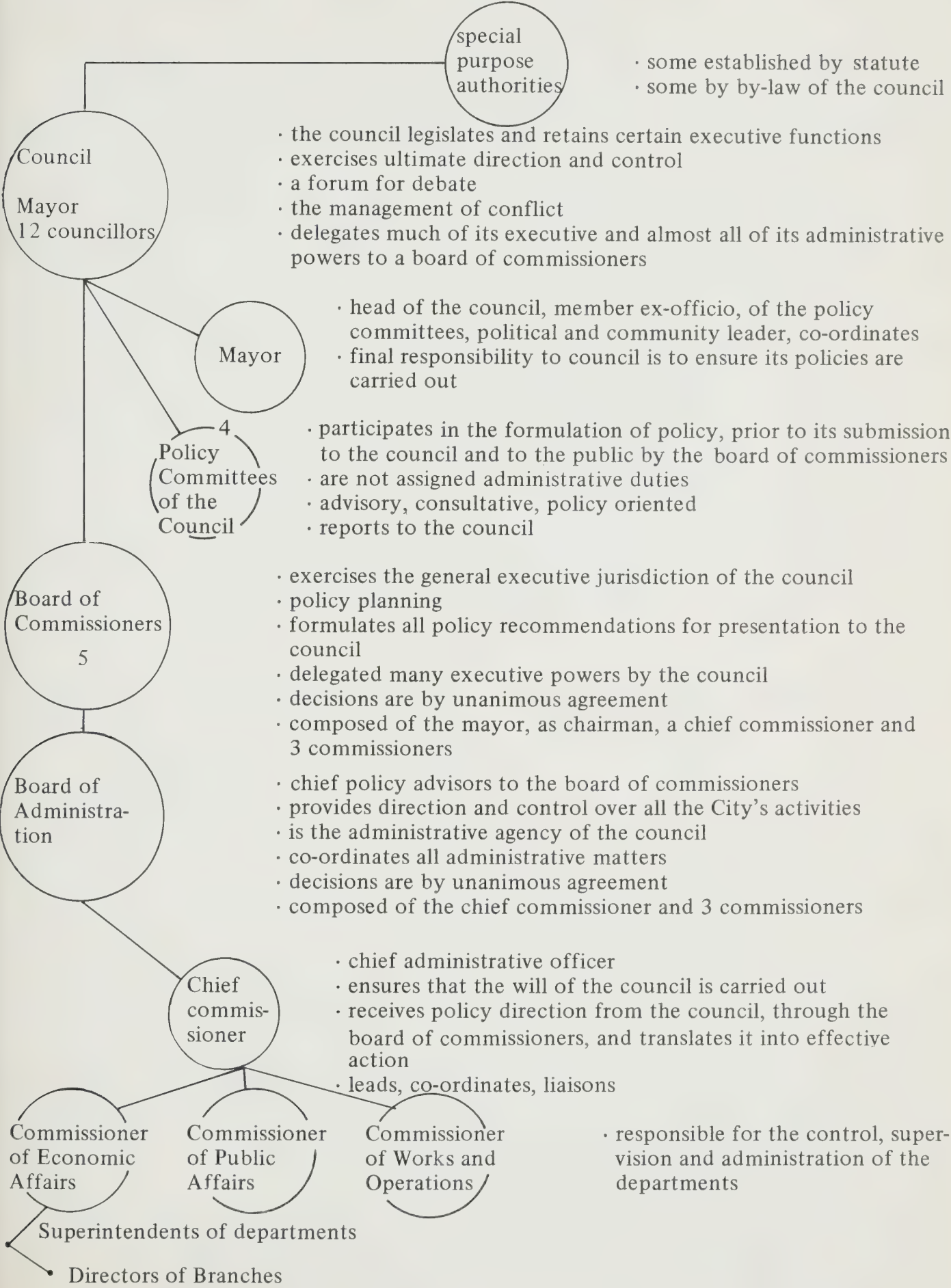
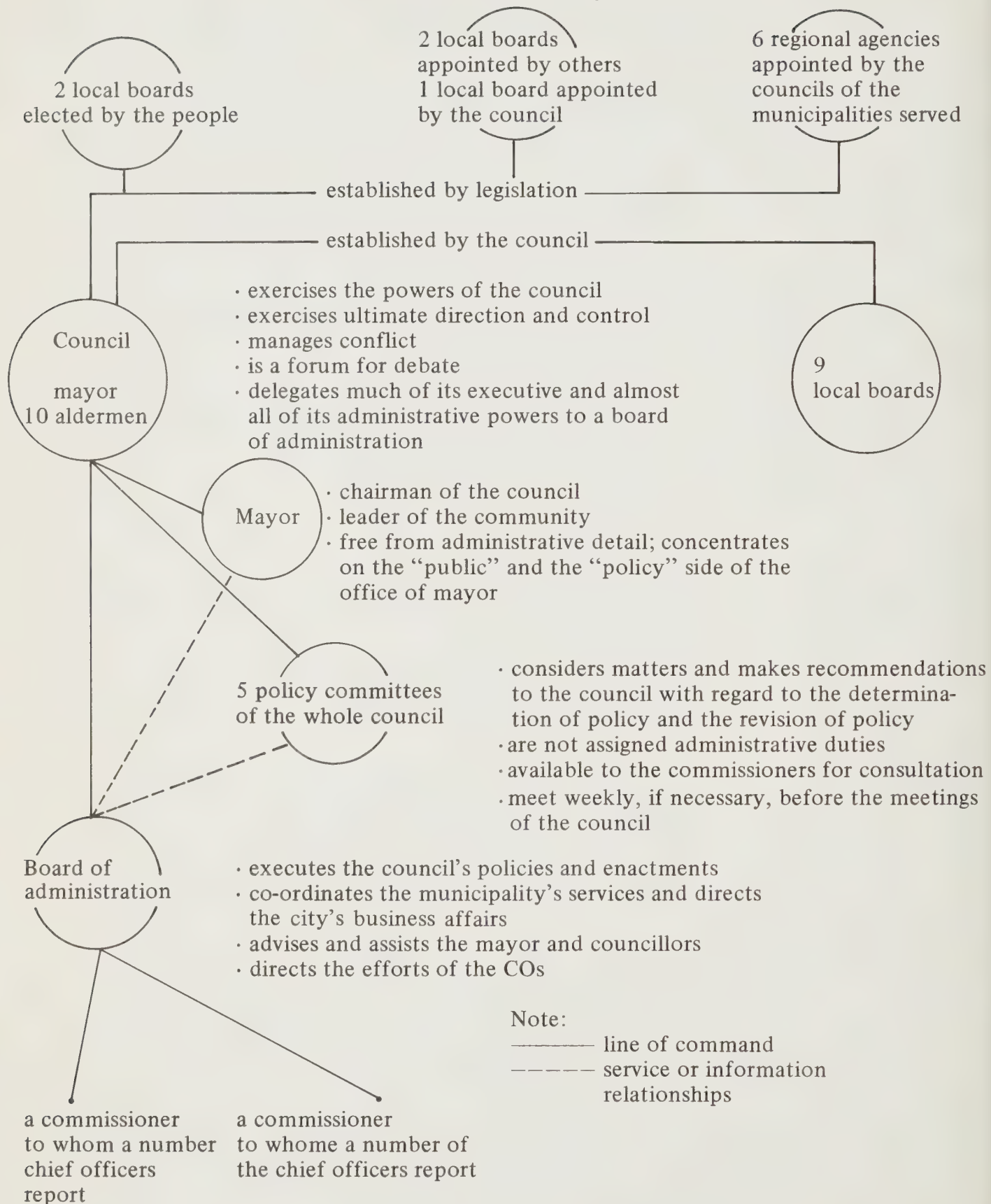


Table D

CITY OF VANCOUVER
Council-commissioner system



CHAPTER XV

The New City of Winnipeg’s System

INTRODUCTION

1 This Chapter describes and discusses a “major experiment in big urban government”. The effectiveness of the experiment is being carefully watched by students of municipal government.

2 In the preparation of the Chapter, the white paper of the Government of Manitoba (December 31, 1970) entitled “Urban Reorganization in the Greater Winnipeg Area”, The City of Winnipeg Act (July 27, 1971) and newspaper articles were examined and discussions were held in Winnipeg and in Toronto with officers of the province, the dissolved Metropolitan Winnipeg and the new City of Winnipeg.

3 The Chapter commences with a statement of the 3 main weaknesses of the municipal government decision-making structure in The Greater Winnipeg Area according to the white paper and a brief statement of the government’s objectives in its establishment of the new structure.

4 The powers and duties of each element in the system’s decision-making processes, according to the act, are then summarized. A comparison is drawn between the new City of Winnipeg, England’s “most management oriented” local authorities and the City of Vancouver. A comparison is drawn between the new City of Winnipeg and western Canada’s council-commissioner system. The concepts of the new system are identified and classified under two categories – representation and decision-making. The Chapter ends with comments concerning the accomplishments of the new city, the work to be accomplished and the features of the new system of decision-making which are giving rise to problems.

5 Conclusions are drawn.

A chart of the organization structure of the new City of Winnipeg is presented as Table A of this Chapter.

OBJECTIVES OF URBAN RE-ORGANIZATION IN THE GREATER WINNIPEG AREA

6 The government’s white paper states that there were 3 main weaknesses in the municipal government decision-making structure in the Greater Winnipeg Area (population 550,000). These were “fragmented authority, segmented financial capacity and a lack of citizen involvement”. Premier Schreyer added another, namely, to stop the “unceasing bickering” between the 13 municipal governments in the area.

7 *To overcome the first two weaknesses, a one-tier structure was established – the 13 governments were integrated into one; a two-tier structure was rejected!* To overcome the third weakness, a large council of 51 members and an unique system of “community committees” of the council each supported by a resident advisory group were established.

8 *The one-tier structure, with its community committees, was designed to establish a single council for the “inter-action of neighbourhood interests, community interests and regional interests” but, also, to establish “neighbourhood democracy” and “people power”; to centralize and yet to decentralize; to promote efficiency and yet to maintain an element of local control.*

9 The white paper, in accepting the one-tier structure, states that (a) the “major services should be unified, but that local government itself – the political processes of local government – must, at the same time, be decentralized and – be brought closer to the people” and (b) “it is essential – to make every effort, not merely to improve the quality of local government, but to

see to it that — the citizens — in truth, can and do, have an effective say in the policies and the programs which affect them”.

10 The designers rejected the two-tier structure because “it is incomprehensible to the public”. They modified the one-tier structure because they feared that it “would spawn a huge bureaucracy”.

11 The statements of the powers and duties of each element in the system, which are presented in this Chapter, were extracted from The City of Winnipeg Act. Since the new city was not established, officially, until January 1, 1972, the council’s procedure by-law has not been available for examination. Therefore, many of the councillor-commissioner-officer-employee relationships were not established at the time of writing.

COUNCIL

12 The council consists of a mayor, elected at large; and 50 councillors, elected from 50 wards; for a term of 3 years.

13 The council exercises the powers of the municipal corporation.

MAYOR

14 The mayor, according to the terms of the original bill, is to be selected by the council from among its members. *(This concept was amended, after the bill was introduced into the legislature, to provide that the mayor be popularly elected.)*

15 The mayor

- (a) presides at the meetings of the council,
- (b) is the chairman of the executive policy committee, and
- (c) is a member, ex-officio, of the board of commissioners (The present mayor attends the meetings of the board infrequently).

16 *The act does not state that the mayor is either the head of the council, or the chief executive officer of the corporation.*

COMMUNITY COMMITTEES

8 committees with from 3 to 24 members

17 The community committees are comprised of the councillors who represent the wards which lie within each of the communities as defined in the act. The new city is divided into 13 communities.

18 The committees were established to “cope with citizen frustration, alienation and withdrawal at the grass roots level”.

19 The responsibilities of the community committees are to

- (a) maintain the closest possible contact between the city and the residents of the communities, and
- (b) provide the residents of the communities with information.

20 The powers and duties of the community committees, according to the act, are to

- (a) prepare and submit to the executive policy committee the annual capital estimates and the annual current estimates of the community,
- (b) exercise certain powers with regard to land use control,
- (c) supervise the delivery of certain services of a “local” nature, and
- (d) conduct a meeting at which the residents may make submissions concerning the capital and current estimates; conduct a meeting, at least quarterly, to consider the progress of programs and projects; meet, at least once a month, to consider the community’s business; conduct, at least once a year, a community conference.

21 On the basis of their interpretation of clause (c) of paragraph 20, some of the community committees attempted to issue instructions directly to the officers and employees of the new city who are responsible for the provision of services in the local communities. The council supported the position of the committees. The provinces did not! The act was amended, subsequently, to clarify that the meaning of the word “supervise” in the act does not include the power to issue instructions to officers and employees.

22 *Subject to either 90 day’s notice, or the approval of 75% of the members, the council may assume exclusive responsibility for the supervision of the delivery of any service.*

RESIDENTS’ ADVISORY GROUPS

23 An advisory group may be elected by the residents of a community to advise and assist the members of its community committee.

24 Some of the 13 communities have established advisory groups which are extremely active. The majority have not.

EXECUTIVE POLICY COMMITTEE

25 The committee is comprised of the mayor, as chairman, the chairmen of the three service committees and six aldermen to be selected by the council (3 are to be selected from the central wards; 3 from the suburban wards).

26 The mayor has a casting or deciding vote in the case of a tie.

27 The powers and duties of the committee, according to the act, are to

- (a) formulate policies for recommendation to the council and co-ordinate the implementation of policies,
- (b) receive, consider and refer back reports and recommendations of the service committees; forward to the council, with its recommendations, the whole or any part of a report or recommendation of a service committee; co-ordinate the work of the service committees and
- (c) receive, consider and refer back reports and recommendations from the board of commissioners (in the case of the annual capital estimates and the annual current estimates, the reports and recommendations of the board of commissioners to the executive policy committee are to be forwarded to the council with or without the committee’s recommendation – it appears that the committee may withhold from the council any other report or recommendation of the board).

28 *The council is not authorized to delegate powers to the executive policy committee.*

SERVICE COMMITTEES

3 committees, each with 11 members

29 The act provides for the establishment of three service committees and describes, in detail, the powers and duties of each of the committees – a committee on environment and social development, a committee on finance and a committee on works and operations.

30 The members of the service committees are selected by the council. Originally, there were 5 members on each committee. The number has been increased to 11.

31 The responsibilities of each of the service committees, according to the act, are to

- (a) advise the executive policy committee with regard to the responsibilities assigned to the committee,
- (b) ensure the implementation of the policies and the programs assigned to the committee, and
- (c) review the annual current estimates (the annual capital estimates are not mentioned) of the departments and the services assigned in the act to the committee.

32 *The council may delegate powers and duties to the service committees.*

BOARD OF COMMISSIONERS

33 The board of commissioners is comprised of a chief commissioner, who is the chairman, a commissioner of environment, a commissioner of finance, a commissioner of works and operations and the mayor, ex-officio.

34 The commissioners are appointed by the council.

35 The reports and the recommendations of the board are presented to the executive policy committee.

36 Decisions of the board are on the vote of the majority; in the event of a tie, the chief commissioner, not the mayor, has a casting or deciding vote.

37 A commissioner who disagrees with a report or a recommendation may send a minority report to the executive policy committee.

38 *The board of commissioners is responsible for the operation of the departments and services and for the implementation of policies and programs, subject to*

- (a) *powers and duties delegated by the act to a commissioner,*
- (b) *powers and duties delegated by the act or the council to the executive policy committee, and*
- (c) *general directions of a service committee or a community committee.*

39 The board, according to the act, is to

- (a) consider and make recommendations to the executive policy committee on matters of policy and on all matters of administration,
- (b) cause to be carried out the orders, resolutions and by-laws of the council,
- (c) cause the estimates (capital and current) to be prepared, reviewed and presented to the executive policy committee,
- (d) recommend to the council the appointment of heads and assistant heads of departments (the board may suspend these officers. However, the suspensions are subject to the wishes of the council), and
- (e) subject to the act, agreements and contracts, suspend or dismiss any employee, except a head or assistant (the board is not granted the power to appoint employees).

40 *The council may delegate any of its powers or duties respecting the administration of the city to the board of commissioners.*

41 *The board may delegate to a commissioner or to an employee any of its powers and duties.*

COMMISSIONERS AND COs

42 The chief commissioner is appointed by the council and is, according to the act, responsible for the

- (a) co-ordination and implementation of the council's policies and programs,
- (b) direction of the other commissioners in the performance of their duties,
- (c) transfer of responsibilities from one commissioner to another, subject to the approval of the council, and
- (d) direction of the budget bureau, the information system and the law and the clerk's departments.

43 Unlike the chief commissioner in the council-commissioner system and the municipal manager in Quebec, the chief commissioner is not authorized to report to the council on any matter which, in his opinion, should be brought to the attention of the council.

44 There are 3 commissioners — one for environment and social development, one for finance and one for works and operations. Each commissioner is appointed by the council and is responsible to the chief commissioner, the board of commissioners and the service committee to whom he reports, for the supervision and the operation of the departments and the services which are assigned to his jurisdiction.

45 Each commissioner reports to one of the service committees of the council or as directed by the council.

46 *Power delegated to a commissioner may be delegated by him to an officer or to an employee.*

47 The heads of the departments report to the board of commissioners through one of the commissioners.

COMPARISON BETWEEN WINNIPEG, ENGLAND AND VANCOUVER

48 In this section, the essential features of the decision-making processes of the new City of Winnipeg, England's "most management-oriented" local authorities and the City of Vancouver are itemized. The features of the Winnipeg system which originate in England and in western Canada are indicated.

Winnipeg, the new City of — essential features

- a large **council**, elected by ward,
- a **mayor**, elected at large; chairman of the executive policy committee; a member, ex-officio, of the board of commissioners,
- a **series of community committees of the council** each supported by a **residents' advisory group**; the committees maintain the closest possible contact between the city and the residents; they exercise delegated powers,
- an **executive policy committee of the council**, supported by a **series of service committees** which exercise delegated powers,
- a **chief commissioner**,
- a **board of commissioners** (composed of appointed officers and the mayor, ex-officio), recommends proposed policies to the executive policy committee; ensures the implementation of policy; supervises COs in the operation of departments and services; exercises delegated powers,
- **commissioners**, report to the chief commissioner, the board of commissioners and one of the service committees; exercise delegated powers,
- **chief officers**, report to the board of commissioners, through one of the commissioners; exercise delegated powers.

England's "most management-oriented" local authorities — essential features

- a large **council**, elected by ward,
- a **mayor**, selected from the council, with no special powers,
- a **policy committee of the council**, supported by a **series of service committees**, exercise delegated powers, (see chapter XX paragraphs 78 to 90),
- a **chief executive officer**,
- a **committee of chief officers**, submits to the policy committee and to the service committees recommendations concerning matters of policy,
- **chief officers**, report, through the chief executive officer, to the service committees.

Vancouver, the City of — essential features

- a small **council**, elected by ward,
- a **mayor**, elected at large, with no special powers,
- a **series of policy committees of the whole council**, every matter of policy is submitted for discussion by the board of administration to the appropriate policy

committee before being submitted to the council; the policy committees do not exercise delegated powers (see chapter XIV paragraphs 8 to 20),

- **commissioners** – 2 commissioners of equal rank,
- a **board of administration** (composed of appointed officers) – recommends proposed policies to the policy committees and to the council; ensures the implementation of the policies of the council; supervises the COs in the administration of departments; exercises delegated powers,
- **chief officers**, report to the board of administration through one of the commissioners; exercise delegated powers.

49 A comparison of the features of the three systems of decision-making discloses that the new City of Winnipeg's system reflects

- from England's systems
 - a large council, elected by ward
 - a mayor, selected from the council, with no special powers, and
 - an executive policy committee of the council, supported by a series of administrative committees, and
- from Western Canada's council-commissioner system
 - a board of officers, composed of appointed commissioners and the mayor, ex-officio;
 - a CAO (the chief commissioner) and
 - co-ordinating officers (the commissioners) while
- unique to Winnipeg
 - a series of community committees of the council, each supported by a residents' advisory group. (England's Royal Commission on Local Government Maud – recommended the establishment of "local councils" within major unitary authorities – however, the number of citizens in the urban areas in England are very much larger than the number of citizens in the Winnipeg area.)

COMPARISON BETWEEN WINNIPEG AND THE COUNCIL-COMMISSIONER SYSTEM

50 From a decision-making point-of-view, a comparison between the council-commissioner system, as it is established in the City of Vancouver and the new Winnipeg system is significant. The comparison discloses that,

- (a) under the council-commissioner system, the board of administration is responsible to the council for the recommendation of proposed policies and for the implementation of policies – in the new Winnipeg, the executive policy committee is responsible to the council for these duties.
- (b) under the council-commissioner system, the board of administration is responsible to the council for the supervision of the officers and employees and for the exercise of the administrative powers of the council – in the new Winnipeg, these powers and duties are exercised by the board of commissioners, subject to the executive policy committee, the 3 service committees and the 8 community committees,
- (c) under the council-commissioner system, the council receives the recommendations of the board of administration and a copy of the supporting reports of the COs – in the new Winnipeg, the reports of the board of commissioners are made to the executive policy committee and, with the exception of the annual capital estimates and the annual current estimates, the reports of the board and of the COs need not be submitted by the committee to the council, and
- (d) under the council-commissioner system, the chief commissioner is authorized to report to the council concerning any matter which, in his opinion, should be brought to the council's attention – in the new Winnipeg the chief commissioner is not assigned such a duty.

REPRESENTING AND DECISION-MAKING CONCEPTS

51 What are the concepts which are built into the new City of Winnipeg's system of

decision-making? Until the council enacts its procedure by-law the duties of the committees of the council, the board of commissioners and the officers will not be fully determined. However, on the basis of the act, the terms of which are detailed, the following concepts of the system may be identified. The concepts are classified into two categories – those related to representation and those related to decision-making.

Concepts related to representation

52 The system of representation provides for the election of a single council with the power to balance local needs with regional needs and with the duty to establish a system of committees of the council to consult the citizens of the local communities with regard to the needs of the local communities.

- 53 The system of representation recognizes the following factors,
- (a) the system of decision-making should make it practicable for the councillors to balance local needs with regional needs,
 - (b) the system should be devised to permit local forces to debate issues with regional forces before decisions are taken,
 - (c) the public’s need for direct access to the councillors who represent them, and
 - (d) the need for a council structure which facilitates the establishment of local political groups. *(The decision of the government, subsequent to the introduction of the bill to suspend “during the term of the first council” the section of the act which provides for the selection of the mayor by the councillors from among themselves and to substitute a section which provides for the mayor to be “popularly elected”, discloses a degree of ambivalence with regard to this concept.)*

54 The system of representation provides for a large council. The following schedule indicates the relative size of the council:

<u>Name of City</u>	<u>Population</u>	<u>Number of members</u>	<u>Annual Indemnities</u>
Vancouver	422,000	11	\$ 91,000
Calgary	400,000	13	92,000
Edmonton	435,000	13	88,000
Winnipeg	522,000	51	422,000

- 55 Based upon these factors the new City of Winnipeg’s system of representation –
- (a) establishes a single large council with the power to balance the needs of the local communities in The Greater Winnipeg Area with the needs of the entire area,
 - (b) establishes a system of community committees of the council to consult and inform the local communities and to advise the council with regard to the needs of the communities – each committee is supported by an advisory group of citizens, and
 - (c) provides a relatively low elector-councillor ratio – 10,000:1 – in North York the ratio is 28,000:1; in Scarborough 21,000:1; in Etobicoke 18,000:1; in York 13,000:1; in Hamilton 14,000:1; in Ottawa 12,000:1; in London 11,000:1; in Oshawa 5,000:1; in Sudbury 5,000:1; while in Vancouver the ratio is 44,000:1.

Concepts related to decision-making

56 The system of decision-making attempts to provide for the co-ordination of the decision-making efforts of the councillors and the administrative efforts of the officers.

- 57 The system of decision-making recognizes the following factors,
- (a) the need to provide for the exercise of the council’s power at a regional level and also at the local level,
 - (b) the need to provide strong central decision-making and, yet, provide for a degree of local, informed, decision-making,

- (c) the need to provide for effective and efficient central administration and, yet, to provide for local administrative facilities,
- (d) the need to use the services of the officers to best advantage, and
- (e) the need to provide, extensively, for the delegation of the powers and duties of the council.

58 Based upon these factors the new City of Winnipeg's system of decision-making –

- (a) retains in the council the ultimate power and control of municipal government in The Greater Winnipeg Area,
- (b) assigns to an executive policy committee the duty to formulate policy for submission to the council and to co-ordinate the work of three service committees and the board of commissioners,
- (c) assigns to the service committees the duty to advise the executive policy committee in the formulation of policy and to exercise certain administrative duties,
- (d) assigns to the community committees extensive representation duties and certain administrative duties,
- (e) assigns to a board of commissioners the duty to advise the executive policy committee, to supervise the implementation of policy, programs, the preparation of the estimates, the operation of the departments and services, etc.,
- (f) assigns extensive supervisory and administrative duties to the chief commissioner and the 3 commissioners, and
- (g) delegates powers to committees of the council, the board of commissioners, the chief commissioner, the commissioners and the COs.

ACCOMPLISHMENTS, WORK TO BE ACCOMPLISHED, PROBLEMS

59 The Act to establish a new City in The Greater Winnipeg Area was given Royal Assent on July 27, 1971. The first council was elected on October 6, 1971. The new city was incorporated as of January 1, 1972.

60 *Much has been accomplished.* A mayor and council has been elected. The procedures and the working relationships of the council, the executive policy committee, the 3 service committees and the 8 community committees have been developed. The commissioners and the senior officers have been appointed. (The appointments were delayed, unfortunately, and, as a result, there has been a serious lack of administrative leadership during the city's formative months.) A capital budget and a current budget were developed and accepted. Realty taxes were billed on the basis of an Area-wide assessment and a uniform mill rate (the province contributed the monies required to establish a uniform rate).

61 *Much remains to be done.* Many problems remain to be ironed out! The 7,200 employees of 13 municipal governments must be effectively integrated into a single working force (there are 13 systems of fringe benefits, for instance, to be integrated). The local services provided by 13 governments must be integrated in such a way as to conform to the objectives of the Act – “to centralize and, yet, to decentralize” and “to promote efficiency and, yet, to maintain an element of local control”.

62 *The political system has been integrated. The administrative system has not been integrated.*

63 The problems of the system which have been identified are related to the size of the council, the system of committees of the council and ambivalence with regard to supervision and administration.

64 The council is large by Canadian standards. The council is required to meet at 4 levels, i.e. community committees, service committees, an executive policy committee and the council. The result is that the members and, also, of course, the commissioners and the other senior officers are required to allocate most of their time and energy to preparing for, or attending, meetings. In the opinion of informed persons, the council is “too large”; is “unwieldy”; there are “too many” committees; the meetings are “endless”; the decision-making processes are “too

slow” and are “bogging down”. *There is a practical limit to the number of persons who should be involved in decision-making.*

65 *The demand for, and the need for, the community committees, which are unique, is in question!* The citizens of most of the communities do not participate in the work of the committees. The attitude of most electors appears to be that they wish to be given an opportunity to be heard on the larger issues, but they do not wish to allocate their time to municipal government’s administrative details – councillors are elected for such a purpose.

66 In the opinion of informed persons, the concept of community committees, supported by citizen committees, is “academic” and “impracticable”; the committees are “parochial”; tend to be composed of ex-or-would-be politicians; will attempt to secure “every conceivable service – so long as the cost is charged city-wide”; and, at the level of the community committees, the determination of priorities and allocations is “an exercise in futility”.

67 The concept of a board of commissioners originated, of course, in western Canada’s council-commissioner system. In that system, the board’s responsibilities include the supervision of the COs and the administration of the departments, subject to the policies and directions of the council. In Winnipeg’s adaptation of the system, the board’s responsibilities include the supervision of the operation of the departments and services, subject, however, to powers and duties delegated by the act or by the council to the executive policy committee and directions of the 3 service committees and the 8 community committees. The result is that *the members of the council retain many administrative duties; the members allocate much of their time to these duties – to the neglect of matters of policy. The officers do not receive a clear mandate to administer. A sharp reduction in the effectiveness of the members and of the officers is the inevitable effect.*

68 However, having described these problems, it must be stated that the new municipal government structure in The Greater Winnipeg Area possesses the essential characteristics to contribute, substantially, to the elimination of 2 of the main weaknesses in the prior decision-making structure in the area, i.e. fragmented authority and segmented financial capacity. The nature of the third weakness – a lack of citizen involvement – is elusive – its elimination will be elusive.

CONCLUSIONS

69 *The new system of municipal government decision-making for the Greater Winnipeg Area is a rejection of a two-tier system and an acceptance of a one-tier system with an unique provision “to centralize and, yet, to decentralize” and “to promote efficiency and, yet, to maintain an element of local control”.*

70 *The council is large. The council is required to meet at 4 levels, i.e. community committees, service committees, an executive policy committee and the council. As a result, the members and, also, of course, the officers, are allocating most of their time and energy to preparing for, or attending, meetings. In the opinion of informed persons, the council is “too large”; is “unwieldy”; there are “too many” committees; the meetings are “endless”; the decision-making processes are “too slow” and are “bogging down”.*

71 *The system is ambivalent with regard to the office of mayor! The act presently provides that the mayor shall be selected by the council from among its members, except for the first term – after which he shall be elected by the electors.*

72 *The act provides, also, that the mayor be a member, ex-officio, of the board of commissioners. This provision is not in accord with democratic concepts, gives rise to undesirable member-officer relationships and compromises the effectiveness of the commissioners.*

73 *The community committees are on trial! The committees were established to “cope with citizen frustration, alienation and withdrawal at the grass roots level”. However, the citizens of most of the communities do not participate in the work of the committees. In the opinion of informed persons, the concept of community committees, supported by citizen committees, is “academic” and “impracticable”.*

74 *Because of the need to submit, amend and re-submit many policies to 3 types of committee, the board of commissioners and the council, the formulation and the establishment of policies involves an endless number of meetings and much duplication and, therefore, is extremely time-consuming.*

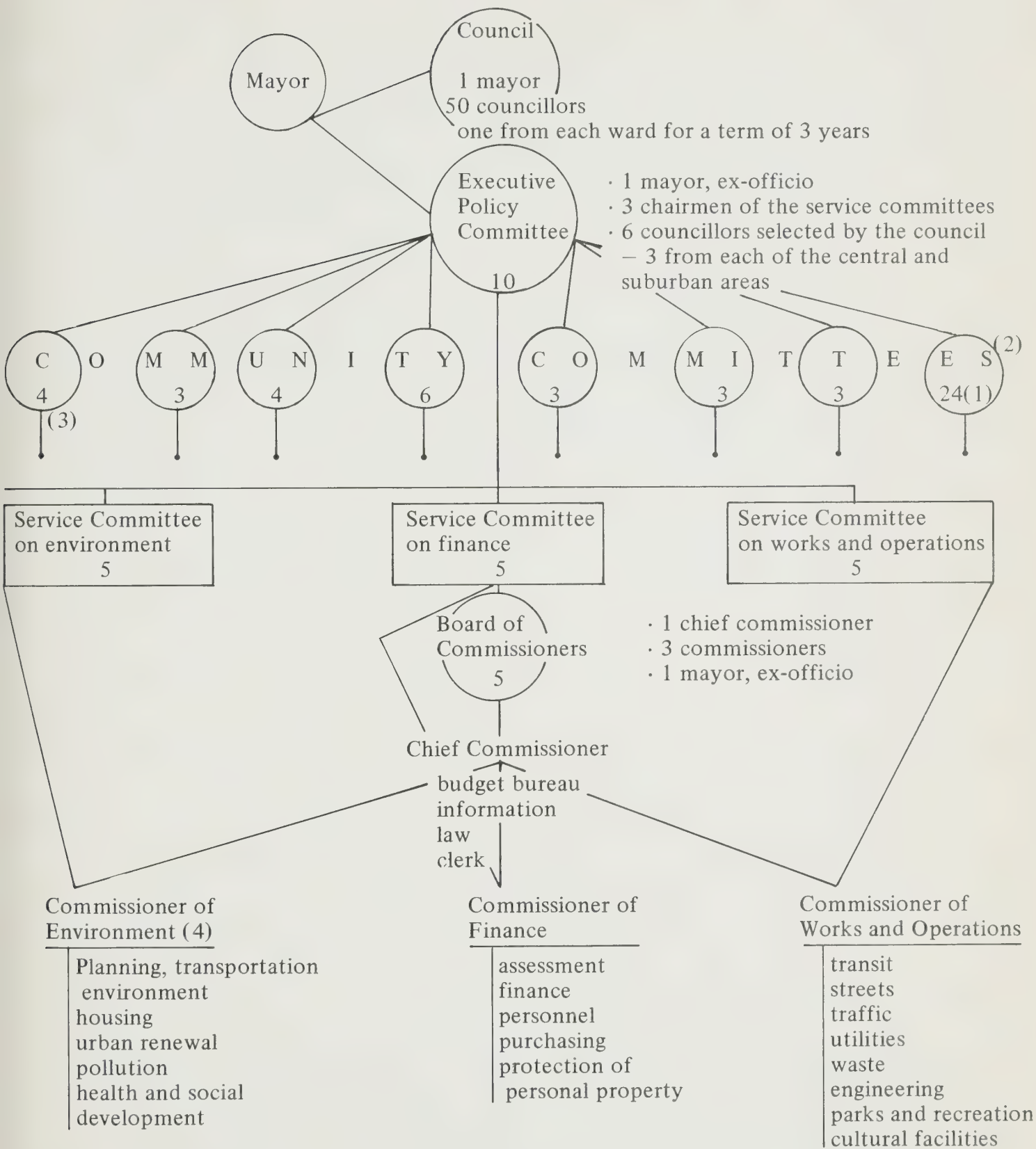
75 *There is ambivalence in the act and on the council with regard to the supervision of COs and the administration of departments. In the council-commissioner system, these responsibilities are assigned to the board of commissioners, exclusively; subject, of course, to the policies and the directions of the council. In the new Winnipeg, these responsibilities are assigned to the board of commissioners; subject, however, to the executive policy committee, the 3 service committees and the 8 community committees. The result is a sharp reduction in the effectiveness of the members and of the officers and in the quality of the work of policy development, representation and administration.*

76 *The council is authorized to delegate its administrative powers and duties to the board of commissioners and the COs. If the council were to re-establish the committees as policy committees; and if the council were to use its authority to delegate administrative powers and duties; many of the problems which are being experienced would be eliminated.*

77 *The new city possesses characteristics which will permit it to contribute, substantially, to the development of effective municipal government in the area.*

Table A

THE NEW CITY OF WINNIPEG
organization structure



- (1) Inner City Joint Community Committee comprised of 6 community committees
- (2) Each committee is comprised of the councillors who represent the wards within the particular community
- (3) A residents' advisory group may be elected at a conference to advise and assist the members of the community committees
- (4) Each commissioner reports to the chief commissioner, the board of commissioners and to one of the executive committees

CHAPTER XVI

America's Council-Weak Mayor System

INTRODUCTION

1 In this Chapter the development of the council-weak mayor system of local government in the United States and the political theories that support the system are discussed. The system's characteristics and each of its elements are described. Some of its merits and weaknesses are listed. Comment is made on the system's acceptance. The similarities between the American council-weak mayor system and Ontario's systems of local government are identified. Conclusions are drawn.

DEVELOPMENT AND THE POLITICAL THEORIES

2 The term "weak-mayor" does not relate to the personality of the person who is elected to the office of mayor but to the degree of the dispersal of the local governmental powers. The powers of the mayor, under the council-weak mayor system, are nominal. The mayor's powers are "weak". The powers of the municipal corporation are dispersed between the council, the mayor, and certain of the administrative officers of the corporation who are elected to office. The remainder of the local governmental powers are dispersed among a number of special-purpose authorities.

3 The American council-weak mayor system of local government decision-making evolved from the early colonial municipal governments in the eastern states of the United States, during the latter half of the 19th century. The colonial governments had evolved, in turn, of course, from England's historic system of local government.

4 The political concepts upon which the system is based are rooted in the past. The essential concepts are those of Montesquiev's separation of powers and Jackson's concepts concerning "democratic" government.

5 The concept of the separation of powers (checks and balances) is reflected in

- (a) the election of the mayor directly by the electors rather than by the councillors from among themselves;
- (b) the establishment of many local boards – many of the members of the boards are elected by the electors;
- (c) the granting of significant local governmental powers to these local boards – to be exercised independent of the council; and
- (d) the election of persons, regardless of qualification, to certain of the administrative offices of the municipal corporation.

6 Jackson's theories of "democratic" government are reflected in the following concepts

- (a) the length of the term of public office should be short,
- (b) persons who are elected to local administrative offices need not be qualified,
- (c) the powers and duties of the persons elected to public office should be defined carefully and they should be restrictive in nature,
- (d) the municipal corporation's executive and administrative powers and duties should be exercised directly by the councillors by the use of a system of standing committees of the council,
- (e) some of the administrative officers of the municipal corporation should be elected to office by the electors, i.e. clerk, treasurer, assessor, auditor,
- (f) power should be granted directly by the state to the elected administrative officers – with the power to be exercised by the officers, independent of the members of the council, and

- (g) the availability of the services of trained persons to establish systems of co-ordinated administration are not essential to local government.

7 A separation of powers became the cornerstone, during the 19th century, not only of the national government and the state governments of the United States but, also, of the local governments. It has been stated by students of the history of American local government that this development took place without men stopping to ask "whether there was any good reason for the establishment of a system of checks and balances in local government". It was taken for granted that "if the principle was valid higher up; the principle must be valid lower down". A separation of powers determined the "main channel" of the development of local government in the United States during the whole of the 19th century.

8 The result was that the power of the council was diffused and dispersed excessively; as a matter of fact, much of the council's power was lost! The system of administrative committees of the council was not effective! The committees of the council gave way to more and more special-purpose authorities – with wider and wider powers. The elected representatives of the people did not exercise a general control of the community's affairs. The public became confused and, then, alienated! Eventually, the vacuum was filled by the "party boss". The "dark days" of local self-government descended upon many of the American states.

9 It was from such conditions that two systems of local government arose in the United States during the first half of this century, namely, (a) the council council-manager system – in the medium to larger cities, the suburban communities and the counties and (b) the council-strong mayor system – in the largest of the great American cities.

CHARACTERISTICS

- 10 The council-weak mayor system possesses the following characteristics,
- (a) there is an absence of effective political leadership in the community,
 - (b) local governmental powers are dispersed between the mayor, the councillors, the elected administrative officers and the special-purpose authorities,
 - (c) many significant local governmental powers are granted to independent boards and commissions – to be exercised independent of the council,
 - (d) a "weak" mayor, with few powers, is elected directly by the electors,
 - (e) the incumbents of some of the administrative offices are elected to office by the electors,
 - (f) the council retains and exercises many of the municipal corporation's administrative powers and duties by the establishment of a system of administrative committees, and
 - (g) a system of co-ordinated administration at the officer level, subject to the policies of the council, is not established.

11 The chief elements in the American council-weak mayor system are the council, the mayor, the elected administrative officers and the independent boards and commissions.

COUNCIL

12 The members of the council, with the exception of the mayor, are elected, usually, by ward.

13 The council exercises the legislative, executive and administrative powers of the municipal corporation.

14 The council establishes a system of standing administrative committees of the council to advise the council in the exercise of the executive and administrative powers and to supervise the officers and employees in the administration of the municipal corporation's day-to-day affairs.

15 The council determines the public policies, enacts the by-laws and the resolutions, adopts the budgets, authorizes the appropriation of monies, etc. etc.

16 The council confirms the appointments that may be made by the mayor, usually, and appoints the members, or some of the members, of some of the boards and commissions.

MAYOR

17 In the smaller centres the mayor is elected at large; while in many of the larger centres, the mayor is selected by the councillors from among themselves.

18 The mayor is the leader of the council and the chairman.

19 The mayor is granted the power, usually, to recommend policies to the council and is granted the power, frequently, to veto, temporarily, the decisions, or certain of the decisions, of the council.

20 Sometimes, the mayor may appoint and dismiss officers, or certain of the officers, subject to confirmation by the council.

21 The mayor's role includes not only matters of ceremony and hospitality, but also the leadership of the local community.

ELECTED ADMINISTRATIVE OFFICERS

22 In the American council-weak mayor system there are, usually, a number of administrative officers who are elected by the electors, i.e. the treasurer, the auditor — who is called comptroller, frequently — the solicitor, etc.

23 The powers and duties of these elected officers are provided for in the laws of the state — frequently, in the charter of the local government.

24 The elected administrative officers are subject to little or no control by the council in the discharge of their duties and in their administration of the departments for which they are, by statute, responsible — the independence of these elected officers makes administrative co-ordination of the local government difficult; increases the cost of public services; gives rise to private and public friction.

BOARDS AND COMMISSIONS

25 As the local governments' needs become more urgent and pressing during the latter part of the 19th century, the systems of administrative committees of the council broke down as a method of administration and, as an alternative, more and more local boards and commissions were established and more and more powers of the councils were transferred to them. Some of these boards and commissions were established by the council; while others were imposed on the councils by the states. The transfer of powers from the councils to the boards and commissions reduced the effectiveness of the councils and led, ultimately, to the abandonment of the council-weak mayor system in many of the American states.

26 Some of these boards and commissions are of great importance and significance, particularly, those responsible for public education, water and sewerage, public health, police protection, fire protection, public parks, public works. Others are of lesser importance.

27 The members of some of these boards and commissions are elected, directly, by the electors; the members of others are appointed by the governor of the state; still others are appointed by the mayor or by the council and, in some cases, the members are appointed by local private organizations.

28 Some of these boards and commissions exercise local governmental powers, such as the power to tax, independent of the council; while others are dependent upon the council, in varying degrees, for funds and, therefore, for the effective use of the powers granted to them.

MERITS

29 It is argued by those who advocate the American council-weak mayor system that its

prime merit lies in the system's separation of powers and in the system's diffusion of authority — the separation of responsibility for the exercise of local governmental powers — rather than the concentration of these powers in a single elected body — the municipal council.

WEAKNESSES

30 The weaknesses of the American council-weak mayor system are many. Some of these weaknesses are described in the paragraphs that follow.

- (a) The dispersal of local governmental powers between the council, the mayor, the elected administrative officers and, particularly, the boards and commissions is confusing to the electors and, therefore, the electors are not in a position to establish the accountability of those who are elected to public office.
- (b) The system of voting — the so-called “long ballot” — is incomprehensible to many of the voters! The electors must vote for a mayor, for one or more councillors, for the elected administrative officers and, frequently, for the members of some of the boards and commissions.
- (c) The number of persons who are involved, directly, in the local decision-making processes is so numerous that their responsibility and, therefore, their accountability, to the electors is obscured and obliterated.
- (d) The local governmental powers and duties are diffused and dispersed unnecessarily.
- (e) The system, because of its characteristics, does not produce “effective internal or external leadership; competent and vigorous policy makers; or good administrators”.
- (f) The local community's legislative and policy-making needs are not co-ordinated because of the system's excessive application of the principle of separation of powers.
- (g) The administrative processes under the system are not controlled, effectively, and therefore, the local governments that have adopted the system are administered, frequently, uneconomically and inefficiently.
- (h) If the American council-weak mayor system is to work, all of the persons in the system, both elected and appointed, must allocate an excessive amount of their time to the “workings” of the system.
- (i) The history of American local government is that the system is susceptible to corruption, spoils and “bossism”.
- (j) The council-weak mayor system will work only if all of the persons in the system exercise a high degree of co-operation, patience, goodwill and persistence.

ACCEPTANCE

31 The American council-weak mayor system is still in use in thousands of the smaller rural and urban municipalities of the United States. However, during this century, the great majority of the larger centres have substituted for the system either the American council-manager system or the American council-strong mayor system.

ONTARIO'S SYSTEMS AND THE COUNCIL-WEAK MAYOR SYSTEM

32 The elements of Ontario's five systems of local government decision-making contain many features that are similar to the American council-weak mayor system! Some of these features are summarized in the following paragraphs.

- (a) Local government powers are diffused and dispersed by the province between the municipal corporations and a great many local boards and, therefore, the councillors do not exercise a general control of the local communities' affairs.
- (b) There is an absence of local political leadership because of this dispersal of local governmental powers. The electors are faced with the “long ballot” — they are required to vote, not only for the members of the council but, also, for the members of some of the local boards. This diffusion of local governmental powers, and the long ballot that results, confuses the public and makes it almost impossible

for the public to establish the accountability of those elected to office to the electors.

- (c) The mayor is a "weak mayor"; is separately elected — with few powers.
- (d) The term of office of the members of the council and the local board is, relatively speaking, short.
- (e) The councils retain the administrative powers of the municipal corporations and exercise these powers directly by the establishment of administrative committees of the council — who supervise the officers of the municipal corporation — the effect of the council's retention of these powers is discussed, frequently, in this Report.
- (f) The officers are not charged with the responsibility of establishing, subject to the policies and controls of the council, "a system of co-ordinated administration at the officer level".

CONCLUSIONS

33 *Under the American council-weak mayor system, because of the large number of elected offices and because of the much larger number of citizen candidates for the elected offices, the electors are presented with the "long ballot". The history of the long ballot is that the long list of elected offices and the much longer list of citizen candidates, is confusing and incomprehensible to the electors! The electors are not in a position to vote with a knowledge of either the candidates or the many local issues. The accountability of the elected persons to the electors is obscured and, therefore, accountability is very low.*

34 *The diffusion of local governmental powers and duties among the large number of persons who are either a member of the council, or an elected administrative officer or a member of one of the boards or commissions, leads to a lack of leadership, control, unity and harmony in the community; to private and public bickering; and ultimately, to the alienation, in the minds of the local citizens, of the affairs of the municipal corporation and the local boards and commissions.*

35 *The council-weak mayor system provides a decision-making structure that lacks*

- (a) *not only co-ordinated public policy-making by a single group of elected representatives but, also,*
- (b) *integrated administration of the municipal corporation's affairs by experienced officers who are appointed by the elected representatives and are subject to their policies and their direction.*

36 *The system has been abandoned in the great majority of the medium and larger municipalities in the United States and either the council-manager system or the council-strong mayor system has been substituted. The system has been found to be inadequate.*

37 *The development of Ontario's five systems of local government was influenced, to a considerable extent, by the theories and practices of the American council-weak mayor system and, therefore, Ontario's systems contain many of the weaknesses of the American council-weak mayor system.*

CHAPTER XVII

America's Council-Manager System

INTRODUCTION

1 The Chapter commences with an outline of the role of the National Municipal League and the International City Management Association in the development of America's council-manager system. The reasons for the system's establishment are outlined. The National Municipal League's "preferred" principles and "acceptable" alternatives are summarized. The merits of the system and the criticisms of the system are stated, with comments. The system's acceptance and its abandonment in the United States are discussed. Conclusions are drawn.

THE SYSTEM'S DEVELOPMENT AND PROMOTION

2 The council-manager system attempts to simplify the structure of the management functions and to effect maximum administrative efficiency, while retaining the principles of a democratic form of government. *By adhering to the principle "to find representative policy-makers, elect; to choose qualified administrators, appoint;" the system attempts to reconcile two of the essentials of democratic local self government, namely, the "control of government by the electors" and the "efficient management of government".*

3 According to the introduction to the National Municipal League's sixth Edition of the Model City Charter "the council-manager system is

- (a) democratic — that is to say, responsive to the electors and to the community — and, at the same time,
- (b) capable of doing the work of the city effectively and of translating the voters' intentions into efficient administrative action as promptly and as economically as possible".

4 The council-manager system was originally devised and promoted by the National Short Ballot Organization. This organization was established in the early 1900s to promote the "short ballot" principle. According to this principle, the number of elected offices should be restricted to those offices which are important enough to attract and to deserve the public's scrutiny. The principle minimizes the number of elected offices to be filled at any one time so as to permit adequate and unconfused scrutiny of candidates by the public. The aims of the organization were to render local government elections more intelligible and more meaningful, to enable the electors to be more informed with regard to candidates, to return the selection of office-holders to the electors (as opposed to political parties) and to exclude, from the elective process, offices which should be appointive.

5 Woodrow Wilson was an early supporter of the short ballot principle. He became a president of the National Short Ballot Organization.

6 The organization initially, promoted the commission system of local government (not to be confused with western Canada's Council-Commissioner System). However, after Staunton, Virginia experimented during the years from 1908 to 1911 with a general manager under a mayor and a bicameral council, the organization devised the single council with a manager system.

7 The first city to adopt the council-manager system was Sumter, South Carolina in 1912. (Ontario's City of Chatham was authorized by private legislation in 1921 to establish a form of city-manager system — see Chapter IX for details.)

8 In 1915, the National Municipal League, a nonpartisan civic reform organization founded in 1894 and described as "the most influential organization (in the United States) in the movement for better city and state government", revised the terms of its Model City Charter to

incorporate the council-manager system. Since then, the league has promoted the establishment of the council-manager system throughout the United States. In 1919, the National Short Ballot Organization merged with the National Municipal League.

9 The International City Management Association (ICMA) was organized in 1914 “to increase the proficiency of city managers and to aid in the improvement of municipal administration in general”. The ICMA has left the active promotion of the establishment of the council-manager system to the league and has concentrated its efforts on the establishment of education programs, research programs, the maintenance of standards and the advancement of the city manager.

THE REASONS FOR THE SYSTEM’S ESTABLISHMENT

10 Three chief reasons were advanced in the early days to support the establishment of the system.

Small cliques

11 In many communities in the United States the national political parties had dominated the affairs of the local governments. Small cliques were able to secure control of the electoral system and, therefore, the government of the local community. The council-manager plan, which embodied the short ballot principle and elections which tended to be non-partisan, provided an opportunity to eliminate this local control.

Patronage

12 As a result of the control of local government by political cliques, patronage and privilege abounded and the criminal element grew in strength and power. The council-manager plan provided an opportunity to eliminate these conditions.

Poor administration

13 The need for a greater degree of expertness in the administration of local government to cope with the growth and complexity of government and to relieve the council of its growing burdens had become apparent. Through the professional administrator, the council-manager plan provided an opportunity to meet this need.

NATIONAL MUNICIPAL LEAGUE’S SIX “PREFERRED” PRINCIPLES AND TWO “ACCEPTABLE” ALTERNATIVES

14 As mentioned above, the league revised its Model City Charter to incorporate the council-manager system. The preferred form of the charter enumerated 6 principles which, with 2 exceptions, have remained, unchanged, essentially, since they were first enunciated. In the case of the 2 exceptions, while the original principles remain as part of the preferred form of the Charter, the 2 alternatives are suggested by the League as being “acceptable”.

15 The 6 “preferred” principles and the 2 “acceptable” alternatives are identified and discussed in the following paragraphs.

Preferred principle No. 1

*The ultimate power and authority of the municipality
is vested in a small council (5 to 9 members)*

16 With the exception of education, the power and responsibilities which are vested, so often, in special purpose authorities, are returned in the council-manager system to the council. *The result is a centralization of authority and responsibility for all local municipal services to the public in a single elected body, the council, that is directly responsible to the electors.* Because of the changing role of the larger American urban centre (race; renewal; neighbourhood participation and social problems, generally) the adequacy of the number of councillors under the council-manager system is under question from certain students of local government.

Preferred principle No. 2*The members of council are elected “at large”*

17 Wards or districts are eliminated in the system. Municipality-wide elections are conducted. The members of the council, therefore, tend to operate as a single unit representing the entire municipality – this feature gives rise to a sense of unity among the members of the council.

An acceptable alternative to preferred principle No. 2*A combination of election at large and election by ward*

18 Under this “acceptable” alternative, a majority of the council is nominated and elected by the qualified voters of the whole of the municipality. This majority, therefore, may be said to represent the electors of the whole of the municipality. The remaining members of council are nominated and elected by ward and, therefore, may be said to represent the electors of the districts in which they are nominated and elected. These latter members may be nominated by the electors by ward and elected by the voters of the whole of the municipality.

19 Although the alternative violates the “short ballot” principle, it provides an opportunity for geographic representation where such representation is considered to be necessary to ensure that significant segments of the population (economic, racial, etc.) are represented properly in the council. (A system of wards has been established, in the last few years, in a number of large American council-manager centres for these reasons.)

20 It is noteworthy that, according to the literature, the majority of the council-manager councils are elected at large. If some of the councillors are elected by ward, the wards are sufficiently large to avoid the extreme localism which is encountered so often under the traditional ward system. As of January 1, 1969, 80% of the council-manager municipalities elected the council at large, while 20% elected the council partially at large and partially by ward.

Preferred principle No. 3*The “short ballot” principle is followed*

21 This principle, as outlined earlier, dictates that the ballot be as simple and short as possible. This principle is achieved in the council-manager system because the only elective local offices are those of the members of the council, with the exception of the trustees of the school board. The council is comprised of a small number of persons elected, usually, at large.

Preferred principle No. 4*The mayor is appointed by the council from among its members*

22 The mayor, who serves at the pleasure of the council is the leader of the council; is the leader of the community; is the council’s spokesman; presides at the meetings of the council; is the head of the council for purposes of ceremony and hospitality; is not given any administrative duties by the council. This practice follows the principle of the short ballot – the names of a small group of citizens, each aspiring for a public office of equal importance, is presented to the electors. Upon election, the councillors select from among their number a person to be mayor.

An acceptable alternative to preferred principle No. 4*The election of the mayor by electors*

23 The introduction of this second “acceptable” alternative to the league’s great model charter reflects an opinion in the United States (where, east of the Mississippi, party politics at the local level is strong, and the elected single executive – the “strong mayor” – in major cities is the norm) that strong and effective local political leadership is essential in large urban centres.

24 Under this alternative the mayor is elected “at large”. He is a member of the council and exercises the same powers as the other members. The League suggests that this alternative returns the selection of the mayor to an electorate that wishes to select its own leader and may

provide a greater opportunity for local political leadership by the person elected to be the mayor.

25 *Regardless of the manner in which the mayor attains office, under the council-manager system, the mayor is not the executive or the administrative head of the municipal corporation.* He is the leader of the community, the head of the municipality for ceremony and hospitality, the presiding officer of the council and the council's spokesman.

26 More than 50% of the municipalities which have adopted the council-manager system in the United States have a separately elected mayor. This is the case, despite the fact that, according to the league, a separate election of the mayor

- (a) violates the "short ballot" principle,
- (b) may cause the municipality to lose good candidates for public office because of their defeat in the election of the mayor — otherwise, they might have been a successful candidate for the council, and
- (c) may result in conflict between the mayor and manager. (Experience discloses that, in municipalities with a mayor who is elected by the electors, the tenure of the manager is considerably shorter than in those municipalities where the mayor is selected by the council from among its members.)

Preferred Principle No. 5

A manager is appointed by the council to carry out the council's policies and to act as the council's agent in the administration of the municipality's affairs

27 The manager is responsible to, and holds office at the pleasure of, the council. He is a trained and an experienced executive and, subject to the policies and controls of the council, he is granted the following general powers and duties by the council:

- (a) ensure that the laws and ordinances are enforced,
- (b) make recommendations to the council concerning the affairs of the municipality,
- (c) keep the council advised on the municipality's financial condition and future needs,
- (d) prepare and submit an annual budget to the council,
- (e) prepare and submit to the council such regular and special reports as the council may require,
- (f) develop and establish a plan of organization for the municipality's administration for the council's approval,
- (g) define the functions, responsibilities, authorities and relationships of the municipal officials within the manager's jurisdiction,
- (h) exercise control over the municipality's departments and to appoint, supervise and remove the chief officers and the other employees,
- (i) plan, direct, co-ordinate and review the services rendered to the public by the departments under his jurisdiction,
- (j) develop and recommend to the council a long-range plan for civic improvements, including an annual public works program, and
- (k) review and revise these programs, as circumstances dictate, and to submit regular reports on accomplishments to the council.

Preferred principle No. 6

The council determines policy and does not become involved with administration

28 The functions of policy-making and administration, to the extent practicable, are clearly defined and separated. According to the league, with responsibility for the administration of the municipality's affairs vested in a manager, the members of the council are free to devote their energies to the determination of policy. To equate authority with responsibility and with accountability, the council does not interfere with the day-to-day administrative responsibilities of the manager and the COs.

29 Before proceeding to comment on the merits and the criticisms of the council-manager system, it should be reported that elections in 85% of the council-manager communities are non-partisan; i.e. neither of the national political parties (Democratic or Republican) participates directly in the communities' local electoral processes.

THE MERITS OF THE SYSTEM

30 The most significant merits of the American council-manager system, according to the National Municipal League, are summarized in the next few subsections.

Superior Councils

31 The authority and responsibility for rendering local municipal services to the public, under the system, is vested in the concentrated in the council. *The delegation of administrative responsibilities and details to the manager renders the council free to lead; to determine policy; to oversee the manner in which services are provided to the public; etc.*

32 Membership on the council is more attractive to men of ability. The level of competency of the members of the council increases. The ability of the council to perform, effectively, its duties to the public, improves.

33 Since the council elects the mayor from among its members, good men of ability are not lost to the municipality's service as the result of defeat in a mayoralty contest.

34 Since the mayor is the council's choice and since the other members of the council are equal in authority to him, conflict between the mayor and the other councillors is minimized – thus facilitating the efficient administration of the municipality.

35 The business of the council is completed in much less time.

Superior Administration

36 Professionalism replaces amateurism! A trained and experienced executive officer is engaged as the manager, replacing part-time and ever-changing councillors who have been attempting to perform the dual tasks of policy-makers and administrators.

37 *Continuity of service is enhanced. The manager, a full-time employee of the municipality, provides continuity and stability to the administration of the municipality's affairs. Unless the manager is dismissed by the council, this continuity and stability remains, regardless of the results of the elections.*

38 Greater efficiency and economy results. Experience has shown that the introduction of a full-time, qualified manager into municipal government, results, usually, in the establishment of sound, modern administration – the result is efficiency and economy.

39 The conduct of the municipality's affairs is accelerated because the discord, which often exists in other forms of municipal decision-making is minimized. The manager presents to the council, for its consideration, carefully-reasoned plans that are in keeping with the policies that have been established, previously, by the council. These plans, thoroughly prepared and well-documented, minimize the areas of disagreement and facilitate, greatly, the work of the members of the council.

Simplicity of election

40 The system of election is straightforward and free from confusing alternatives.

Greater comprehension by the public

41 The municipality's decision-making structure is not complex and the electors can understand the structure and, therefore, they can establish accountability.

Greater participation by the public

42 Authority and responsibility is concentrated in a single elected body which is comprised of a small number of individuals, elected on a municipality-wide basis. The electors are required to elect from a list of names appearing on a ballot, the required number for public offices which are of equal importance. This simple election procedure facilitates an adequate scrutiny, by the electors, of the individuals to be elected to council and provides an opportunity for more fully-informed voting.

43 The simplification of the election process; the simplification of the decision-making structure; the centralization of responsibility; permit a much greater understanding by the public of the structure and the operation of the municipality's government. This greater public understanding has led to a greater interest and a greater participation by the electors in the affairs of the local governments.

THE CRITICISMS OF THE SYSTEM

44 The criticisms of the American council-manager system, according to the literature, are summarized in the next few subsections.

Reliance on one man

45 A lack of honesty, good judgement and ability in the council's manager may give rise to obvious difficulties. Although the power of the council to dismiss the manager at any time negates the problem to a great extent, opponents of the council-manager system argue that the council's need to rely on one man presents dangers. The arguments range from the danger that the manager's ambitions may result in the manager acquiring power rivalling that the council; to the danger that the manager's dishonesty, misjudgment or incompetency may endanger the stability of the municipality; to the danger that the manager's lack of objectivity may colour the recommendations to the council; to the opinion that his prejudices and personality may have an unfavourable effect on the system of local government in the community.

Denial of "democratic" principles

46 The manager is appointed by the council and, consequently, is accountable to the council, rather than to the electors. The manager is involved, primarily, with the administration of the municipality and, therefore, he does not have the contact with the public that the elected representatives have. It is suggested that the manager's absence of accountability to the electors and his lack of contact with the public renders him unaware of the needs of the people and, therefore, not responsive to the people's needs.

47 The council in the council-manager system is comprised of a small number of elected representatives. As a result, the time available to each representative to communicate with the electors and inhabitants, on an individual basis, is minimized. It is suggested that the availability of a few councillors minimizes the role of the councillors, as the representatives of the people and, therefore, an important democratic function is jeopardized.

48 It is suggested, also, by the system's critics, that the elimination of the ward system of election results in the councillors, (who are elected on an "at large" basis) not being close to the people; not being aware of their needs; not being responsive to their needs. In other words, the councillors are not representative.

Councillors cannot be excluded from administration

49 Critics of the council-manager system argue that elected representatives cannot be excluded, completely, from administration, if they are to perform their duties, effectively. To formulate policy, intelligently and realistically, councillors must be conversant, not only with the administrative apparatus but, also, with the status of all of the activities of the municipality that are in progress, for which they, as a council, are responsible. Councillors should not formulate a policy, without being aware of the feasibility of carrying out the policy. In

addition, there is the undesirable situation of the members of a council, being excluded from an area for which they, in the final analysis, are responsible and of relying on the integrity and judgment of one man, the manager, to keep them informed.

COMMENTS ON THE CRITICISMS OF THE SYSTEM

50 The criticisms, generally speaking, fall into 3 categories, namely

- (a) there should be more councillors; a system of wards should be established,
- (b) the council should not be dependent on a single person; and
- (c) the council's duty to establish policy may not be separated from its duty to administer the municipality's affairs satisfactorily.

51 The ratio of councillors to electors under the system is under criticism, at the present time, particularly, by political and social scientists and by certain prominent administrators who are concerned with problems of social unrest in American cities. The problem is being recognized by the leaders of the council-manager movement and, in the near future, may come before the league, officially. As indicated earlier, one of the 2 "acceptable" alternatives, to the 6 "preferred" principles upon which the National Municipal League's Model Charter is based, recognizes the desirability of election by wards, in certain circumstances.

52 The criticism concerning the system's dependence on a single person would appear to be based, essentially, on a lack of knowledge and understanding of the role of the manager. *The council is vested with the powers of the municipality. The manager is merely the council's agent; he is responsible to the council; he must administer the affairs of the municipality within the policies of the council; he holds office at the pleasure of the council.* In addition, it should be pointed out that the manager is not, in fact, a manager in the private sector's use of the term. The council is the manager. The so-called manager is, in fact, a chief administrative officer. (This topic is discussed in Chapter III.) The manager's role is to lead, to co-ordinate, to assist the chief officers in the administration of the affairs of the municipality in accordance with the policies of the council.

53 Criticism concerning the council-manager system's assumption that administration may be separated from policy-making is, perhaps, justified. However, the criticism tends to be academic and pedantic and is aimed, essentially perhaps, at the literature of the National Municipal League and the International City Management Association.

54 This literature in an endeavour to recognize the need to delegate the council's responsibility for day-to-day administrative details to officers (if the councillors are to be free for their more important, but often neglected, duties – the development of, and the revision of, the community's policies, priorities, plans, programs, etc.) neglects to discuss, adequately, the manner in which delegation should be made. The literature does emphasize the obvious need for councillors to acquire knowledge of the municipality's administrative processes and the need for administrators to inform the councillors of any matter that arises in the administration of the council's policies that should be brought to the councillor's attention.

ACCEPTANCE OF THE SYSTEM

55 Table B of this chapter discloses that the council-manager system was in effect in 2,153 communities of the United States with a total population in excess of 50,000,000 as at January 1, 1969. This represents about 25% of the United States' population. In addition, 399 communities, with a population of approximately 30,000,000 were being administered by council-appointed chief administrators (CAOs). Such communities are not recognized by the ICMA as council-manager system communities.

56 Tables B to E disclose the distribution, by population, of the council-manager communities in the United States and the rate of adoption of the system, in comparison with the other systems that are prominent in the United States, namely, the council-committee system and the American commission systems.

57 In the 57 years since it was established, the council-manager system has become one of

the most popular forms of local government in the United States. This is particularly true of communities that have a population between 5,000 and 500,000. Of the 3,201 communities within this population range, 1,510, or 47%, have adopted the system.

58 The distribution, by population, of the communities which have adopted the system indicates, also, that the system's popularity is centred in the larger communities. Of the 2,153 communities which have adopted the system, 1,061, or 49%, have populations in excess of 10,000 and 1,523, or 71%, have populations in excess of 5,000. The 630 communities with a population under 5,000 that have adopted the system, represent a small percentage of the communities in that population range.

59 The council-manager system has grown consistently since 1912. In 1945, according to Table C, the number of council-manager communities approached 600, an average annual growth rate of about 18 communities.

60 The post-war years, 1945-1965, witnessed a dramatic increase in the acceptance of the system by the public. During this period the number of communities that adopted the system increased by 333%, from 586 to 1,954 – an average annual growth of about 68 communities.

61 Since 1965, however, the rate of growth in the number of communities that have adopted the system has diminished. In 1968, 30 communities adopted the system – an annual growth of 1%.

62 Nevertheless, Tables D and E disclose that the council-manager system appears to be the only system of local government in the United States that is growing. The council-committee system has been static in its growth since 1955, while the American commission system has declined steadily in its acceptability.

63 The American council-manager system has been widely accepted in many countries throughout the world. Some, or all, of the “preferred” principles have been incorporated, in varying degrees, in systems of local government throughout the world. Its influence on decision-making in local government in Ontario is discussed, in detail, in chapter IX.

ABANDONMENT OF THE SYSTEM

64 A number of communities in the United States have abandoned the council-manager system of local government.

65 However, it is evident from the information reported on Tables F and G that neither the number of abandonments, nor the rate of abandonments, give any indication that the council-manager system is losing its acceptability as a form of local government. On the contrary, as stated above, the council-manager system appears to be the only system which is growing in acceptability in the United States.

66 89 communities have abandoned the system. This is approximately 4% of the number of communities which have adopted the system and is a rate of abandonment which has been experienced fairly consistently during the 57 years since the system was established.

67 A number of explanations for the abandonment of the system have been identified. They are summarized in the following paragraphs.

- (a) Insufficient opportunity for the system to prove itself – This charge is supported by the following data:- of the 66 communities which had abandoned the system prior to 1959, 27, or 41%, abandoned the system within 4 years of its establishment.
- (b) Voter apathy – When referenda have been conducted to adopt the system or to affirm its continuation, voter apathy has been a significant factor in many cases. In most cases, the majority voting against the referendum has been very small. It is suggested that vigilance, on the part of the system's supporters in developing voter enthusiasm, would have prevented many of the abandonments.
- (c) Defective or obsolete charters – A number of abandonments have occurred because

a municipality's charter deviated from the principles that are contained in the National Municipal League's Model Charter, thus contributing to the system's breakdown. A number of abandonments have occurred where the municipality's charter had not been amended for many years and did not reflect current attitudes and developments.

- (d) Economic factors – In a number of instances, adverse economic conditions have caused electors to change, not only their local political leaders, but also their system of local government. As a result, a number of council-manager systems have been abandoned.
- (e) Political conditions – Opposition to, or infiltration of, the council-manager system by local political organizations has succeeded, in a number of cases, in forcing the abandonment of the system.
- (f) A breakdown of the system – In addition to the above factors, other general causes may be identified, such as a clash between the mayor and the manager, or the inability of the municipality to obtain a qualified manager.

68 The above reasons for the abandonment of the council-manager system were identified by Arthur W. Bromage of the University of Michigan (an outstanding figure in the field of local government) who conducted a study of abandonments. In his study, Professor Bromage states that the council-manager plan depends “*like any sound structural principle, upon judicious adaptation and execution, as well as on firm citizen support*”.

69 This quotation from Professor Bromage summarizes succinctly the requirements for the successful operation of any system of local government. The absence of these factors will result in a breakdown of any system. Thus, while the above causes have been identified as being responsible for the abandonment of the council-manager system, they could also be identified as being responsible for the abandonment of any other system of local government.

For purposes of illustration, an organization chart of a typical council-manager municipality is presented as Table A of this chapter. The acceptance and growth of the system in the United States is illustrated in Tables B to G.

CONCLUSIONS

70 *The council-manager system is America's greatest contribution to the art of local self-government!*

71 *Six principles of decision-making have been incorporated into the council-manager system. They are as follows:*

- (a) *the governmental powers and duties of the local community, with the exception of education, are vested in a single elected body of 5 to 9 members – there are no special purpose authorities, other than for education,*
- (b) *the members of the council are elected at large,*
- (c) *the “short ballot” principle is followed – the only local officials that are elected to office are the members of the council,*
- (d) *the mayor is selected by the council from among its members,*
- (e) *a trained and experienced manager is appointed by the council to ensure that the council's policies are carried out and to act, subject to the policies and direction of the council, as the council's agent in the administration of the municipality's affairs, and*
- (f) *the council determines policy and, to the extent practicable, does not become involved with administration.*

72 *Alternatives have been accepted with regard to 2 of the system's 6 principles. A combination of election at large and by ward (the majority of the councillors are elected at large) and the election of the mayor by the electors are acceptable alternatives to principles (b) and (d).*

73 *By adhering to the principle “to find representative policy makers, elect; to choose*

qualified administrators, appoint", the council-manager system attempts to reconcile two of the essential characteristics of local self-government, namely, the "control of local government by the electors" and the "efficient management of local government".

74 *By the delegation of administrative powers and duties to a trained and experienced manager, the members of the council are free to lead the community; to discuss and determine the local public policies; to appraise the quality of the municipality's services to the public.*

75 *In the larger centres the manager, under the direction of the council, leads, co-ordinates and directs the officers in the establishment and maintenance of "a system of co-ordinated administration at the officer level".*

76 *The council-manager system attempts to simplify the municipality's decision-making structure, to improve the quality of decision-making and to increase the municipality's administrative efficiency; while retaining the principles of democratic local self-government.*

77 *The system attracts to public office candidates of ability; the election procedures are straightforward; the council exercises the legislative powers and may delegate the executive and administrative powers; the administrative processes are understandable to the public, the councillors and the officers. Accountability of the councillors to the electors and accountability of the officers to the council is very high. Administrative processes can be modern and efficient.*

78 *The philosophy of the system has influenced the form of local government decision-making throughout the world and has influenced, greatly, the thinking of elected and appointed municipal officials in many parts of Canada, particularly, in the Province of Quebec and in the larger urban centres across the country.*

79 *The literature and the leaders of America's council-manager system have been the inspiration for the system of local government which in this Study is referred to as "Ontario's Council-CAO System". The system is described and discussed in Chapter IX.*

80 *The American council-manager system overcomes many of the weaknesses that are to be found in Ontario's smaller, medium and large systems of local government.*

Table A

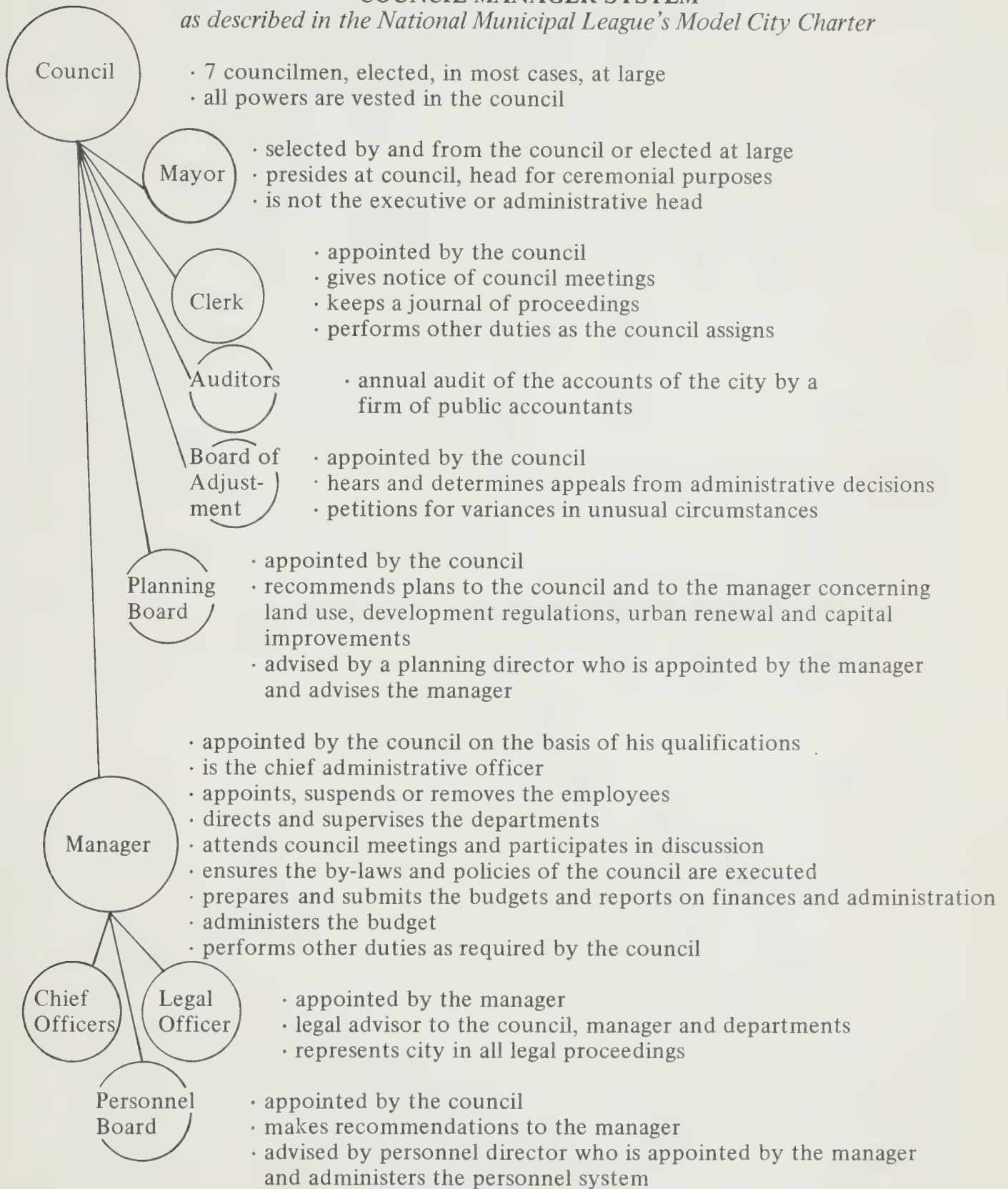
COUNCIL-MANAGER SYSTEM*as described in the National Municipal League's Model City Charter*

Table B

ANALYSIS OF THE COUNCIL-MANAGER COMMUNITIES
in the United States
as at January 1, 1969

Population	Total number of Communities	Council-Manager Communities		Percentage of the Council-Manager Communities
		Number	Percentage	
under— 2,500	(1)	289	—	13%
2,500— 5,000	(1)	341	—	16
5,000— 10,000	1,168	462	40%	21
10,000— 25,000	1,170	565	48	26
25,000— 50,000	483	267	55	12
50,000—100,000	241	138	57	7
100,000—250,000	106	60	57	3
250,000—500,000	33	18	54	1
over—500,000	34	13	38	1
		2,153		100%
		=====		=====

(1) not furnished

Table C

GROWTH OF THE COUNCIL-MANAGER COMMUNITIES
in the United States
for the years 1920 to 1969

<u>January</u>	Total number of Council-Manager Communities	Rate of Adoption	
		<u>Percentage</u>	<u>Average number per year</u>
1920	155	—	19
1925	288	86%	27
1930	377	31	18
1935	433	15	11
1940	478	10	9
1945	586	23	22
1950	879	50	59
1955	1,237	41	72
1960	1,625	31	78
1965	1,954	20	66
1968	2,123	9	56
1969	2,153	1	30

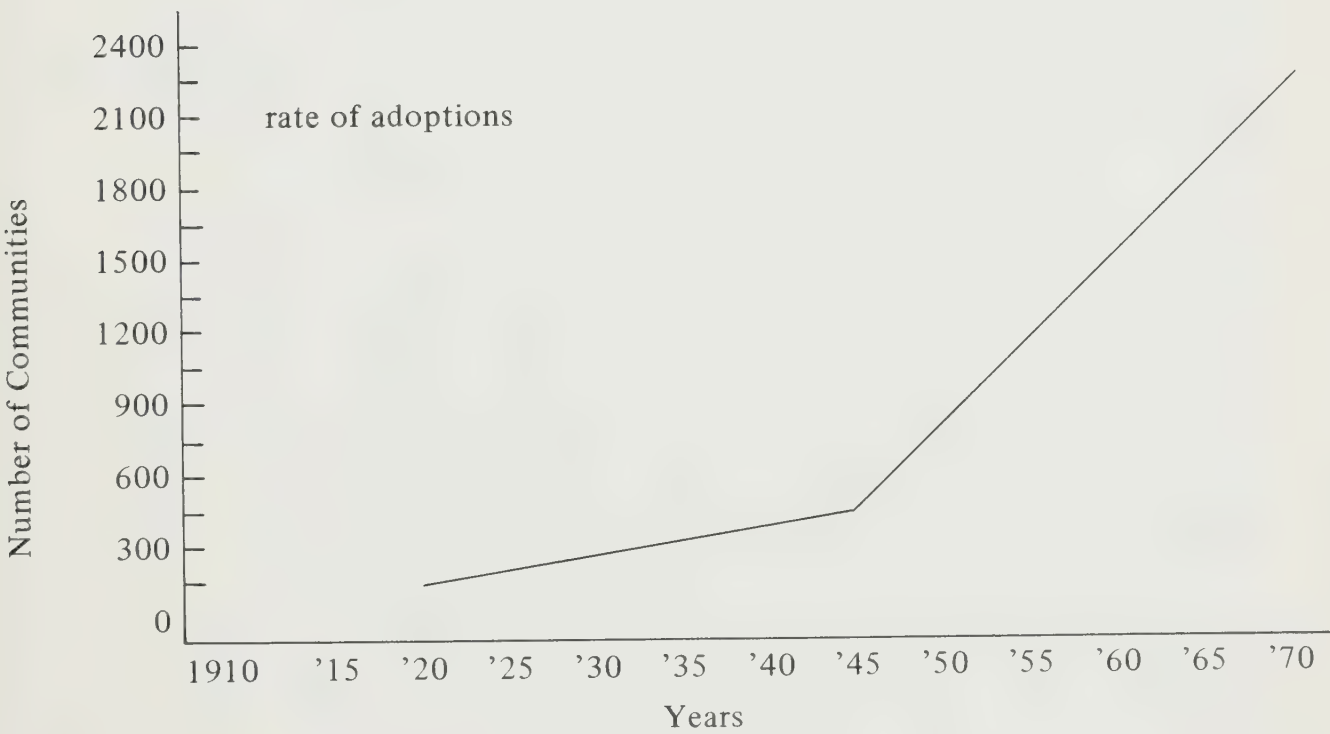


Table D

ANALYSIS OF THE SYSTEMS OF LOCAL GOVERNMENT
in cities in the United States with population over 5,000
January 1, 1940 to January 1, 1968

<u>January 1</u>	<u>Council-Committee Percentage</u>	<u>Index</u>	<u>Commission Percentage</u>	<u>Index</u>	<u>Council-Manager Percentage</u>	<u>Index</u>
1940	64%	100	16%	100	16%	100
1945	62	97	16	100	18	112
1950	60	94	14	88	26	162
1955	52	81	14	88	30	188
1960	50	78	12	75	38	212
1965	52	81	8	50	40	250
1968	51	80	6	38	43	269

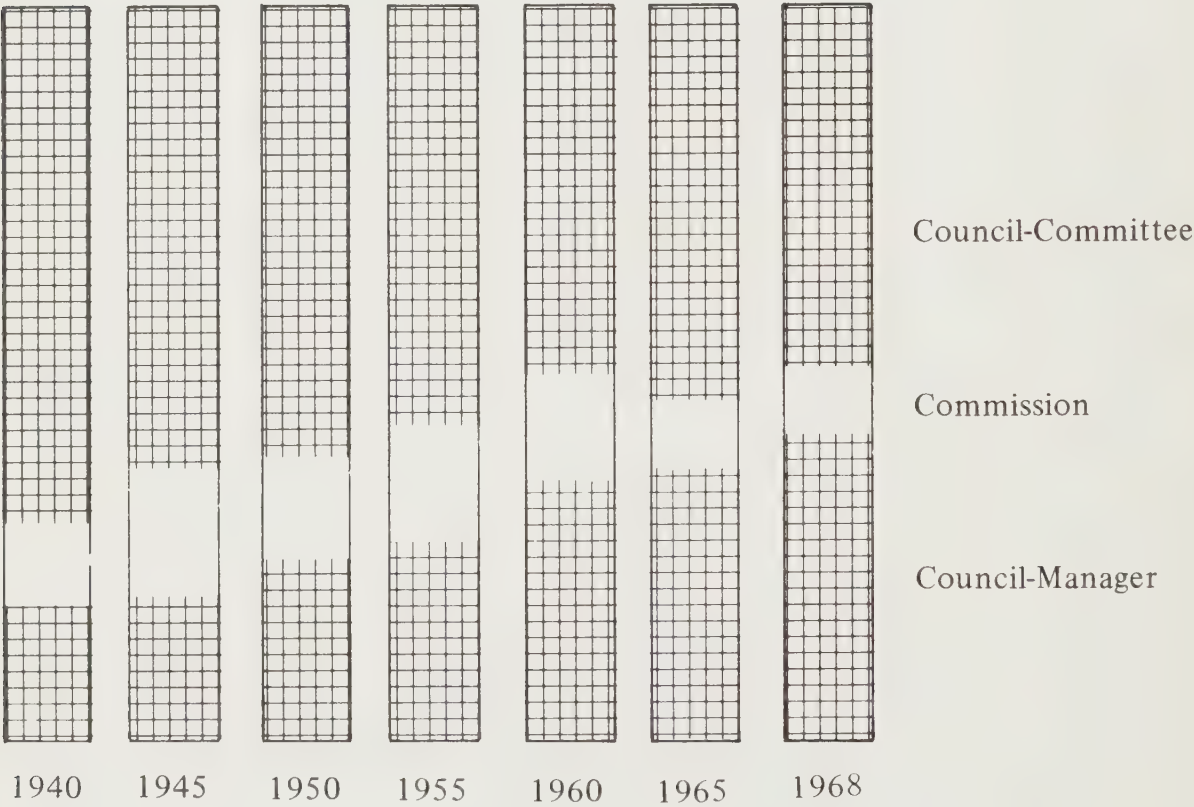


Table E

ACCEPTABILITY OF SYSTEMS OF LOCAL GOVERNMENT
in cities in the United States with populations over 5,000

January 1, 1940 to January 1, 1968

1940 = 100%

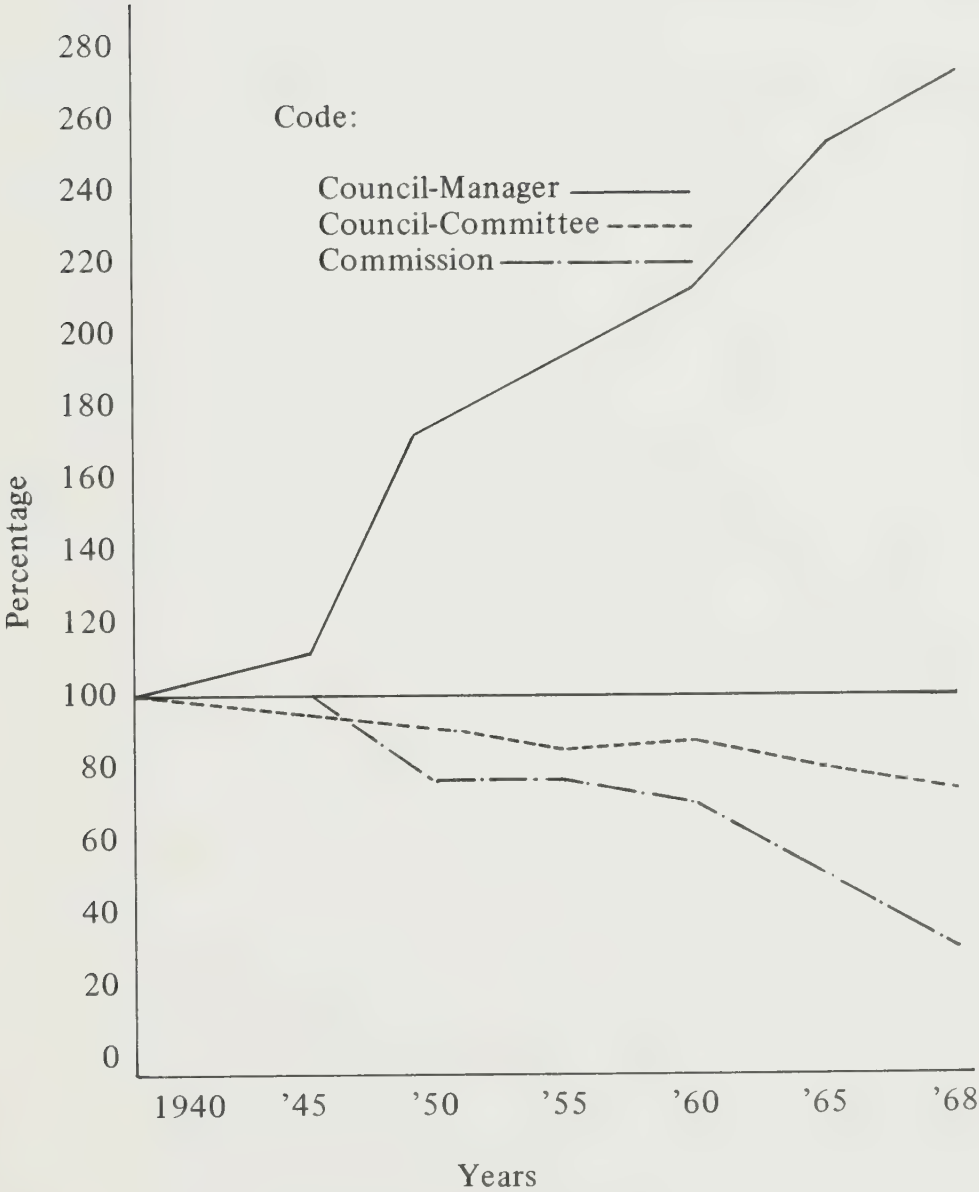


Table F

COUNCIL-MANAGER SYSTEM
analysis of the rate of abandonment by population
as at January 1, 1969

<u>Population</u>	<u>Adoptions</u>	<u>Abandonments</u>	<u>Rate of abandonment</u>
under— 2,500	300	11	3.7%
2,500— 5,000	350	9	2.6
5,000— 10,000	483	21	4.3
10,000— 25,000	582	17	3.0
25,000— 50,000	286	19	7.0
50,000— 100,000	144	6	4.2
100,000— 250,000	64	4	6.3
250,000— 500,000	18	—	—
over— 500,000	15	2	13.3
	<u>2,242</u>	<u>89</u>	<u>4.0%</u>

Table G

COUNCIL-MANAGER SYSTEM
analysis of the rate of abandonment by period
as at January 1, 1969

<u>January 1</u>	<u>Accumulated total adoptions</u>	<u>Index</u>	<u>Accumulated total abandonments</u>	<u>Index</u>	<u>Rate of abandonment</u>
1920	155	100	—	—	—
1925	293	176	5	100	1.7%
1930	386	249	9	180	2.3
1935	447	289	14	280	3.1
1940	495	319	17	340	3.4
1945	605	390	19	380	3.1
1950	907	585	28	560	3.1
1955	1,276	823	39	780	3.1
1960	1,685	1,086	60	1,200	3.6
1969	2,242	1,446	89	1,780	4.0

CHAPTER XVIII

America’s Council-Strong Mayor System

INTRODUCTION

- 1 The Chapter commences by outlining the inadequacies of the council-weak mayor system that lead many of the American cities to develop alternative systems – one of which was the council-strong mayor system. The characteristics of the system are described.
- 2 In order to illustrate the role of each of the elements of the system – the council, the mayor, the mayor’s chief administrative officer, the officers and the special purpose authorities – with clearness, the council-strong mayor system of the City of Philadelphia is used as an example. Each element is discussed, briefly.
- 3 The merits, the weaknesses and the acceptance of the council-strong mayor system are described.
- 4 Because the great majority of the large American local governments abandoned the council-weak mayor system during this century for either the council-strong mayor or the council-manager, a rather thorough discussion of the comparative suitability of each of these systems, in large units of local government, is presented.
- 5 Conclusions are drawn.

REASONS FOR DEVELOPMENT

- 6 The council-strong mayor system evolved in the United States because of inadequacies in the council-weak mayor system. *The most inadequate of the council-weak mayor system’s principles were the dispersal of local governmental powers; the lack of unity; the “long” ballot; the absence of strong and effective political leadership; the lack of accountability; the lack of competent administrators; etc.* Because of these inadequacies, a consensus developed – particularly in the larger cities – *that there was a need for political leadership; centralization of local governmental powers; simplification.* The result was the rise of the strong mayor in whose office the executive and administrative powers and duties of the municipal corporation could be concentrated; and be exercised, in full view, politically speaking, of the electors.
- 7 From an administrative point-of-view, the council-weak mayor system’s administrative committees of the council had failed; the system’s many special purpose authorities had weakened the power of the council; the system’s “long” ballot and its diffusion of local governmental powers had confused the electors. Local political leaders looked to the American presidential system, with its strong leadership and separation of powers, to bring co-ordination, direction and order out of the potential chaos of the council-weak mayor system.
- 8 As the council-strong mayor system gained acceptance and experience the powers granted to the mayor were increased and clarified, i.e. the power to appoint, control and dismiss the heads of the departments; the power to prepare and submit budgets to the council; the power to veto the decisions of the council, subject to confirmation by the council.
- 9 The National Municipal League, in recognition of the acceptance and the effectiveness of the council-strong mayor system and the system’s inclusion of the manager’s administrative powers and duties in the office of the mayor, accepted a form of the council-strong mayor system as an “acceptable” alternative to the council-manager system.
- 10 As the council-strong mayor system evolved, usually under the terms of an individual city charter, strong and outstanding mayors arose. The best known and the most famous, perhaps, of these mayors was Fiorello LaGuardia who rose to power as the mayor of New York City in the mid 30s. LaGuardia had secured little formal education, but what he lacked in formal education he made up in drive, ambition, wit, compassion, flair and political judgment. He was

mayor of New York for 12 years and became, in the opinion of many, “a great man in the Republic” and “one of the best known leaders in our democracy”. Such mayors, and there were others, were public figures, political leaders, executives and administrators of the first rank.

A chart of the council-strong mayor system, as described in the National Municipal League’s Model City Charter, is presented in Table A.

CHARACTERISTICS

11 *The prime characteristic of the American council-strong mayor system is a “separation of powers” between the council and the mayor – under the terms of a charter.* The charter is formulated, usually, according to “home rule” procedures. The council exercises the legislative powers of the municipal corporation, certain carefully defined executive powers and the power to enquire and investigate; while the mayor exercises the power to recommend policies to the council, almost all of the executive powers (the executive powers that are not granted to the council), and the administrative powers.

12 However, on a functional basis, the separation of powers is not clear-cut. The legislative function is shared by the council and the mayor; i.e. the mayor is granted the power to present proposed ordinances to the council and to veto, temporarily, some of the decisions of the council; while the administrative function is shared also by the council and the mayor; i.e. the council is granted certain administrative powers.

13 The council’s prime role is related to the establishment and revision of the major policies; the approval of the budgets; the imposition of the taxes; the borrowing of money; the maintenance of a surveillance on the mayor’s administration of the affairs of the local government.

14 The councillors are relatively few in number. They may be elected at large, by ward, or by a combination of at large and by ward.

15 *The mayor’s prime roles are to use the services of the heads of the departments and others to initiate thoroughly prepared recommendations to the council, to exercise all of his political, legal and public powers in an endeavour to secure the acceptance of his recommendations by the council and to manage the municipal corporation’s affairs, subject to the policies of the council.*

16 The mayor is granted a wide range of administrative powers, including the power to appoint, control and dismiss the heads of the departments (the exercise of this power is subject, under the terms of some charters, to the approval of the council); the power to prepare the current and capital budgets and to submit them to the council (frequently, the council’s power to amend these documents is restricted); the power to prepare and submit to the council the major and the minor programs and recommendations that are essential to the exercise of the powers of the municipal corporation.

17 *The present form of the council-strong mayor system is the culmination of a long effort to place in the hands of one person responsibility for the administration of a municipality’s affairs – the same type of responsibility that is placed in the hands of the American president and the governors of the American states.*

18 *Another prime characteristic of the council-strong mayor system is the control of the office of mayor, usually, by one of the local political groups that are prepared to contest for the elected offices of the local government. These groups are affiliated, usually, but not always, with one of the American national political parties.*

19 It has been said that “the council-strong mayor system places all of its eggs in one basket; and then watches the basket”.

20 The powers and the duties of the council, the mayor, the chief officers and the special purpose authorities that are outlined in the next five sections, for purposes of clarity, are based upon the “home rule” charter of the City of Philadelphia. The charter was a number of years in

the making, and was adopted by the electors on April 17, 1951. The charter is considered to be one of the most modern and progressive of the American council-strong mayor charters.

The chart of an abbreviated version of the City of Philadelphia's organization structure is presented in Table B for this Chapter.

COUNCIL

21 The Philadelphia council is relatively small in numbers. With a population of approximately 2,000,000, the city elects 17 councillors; 10 are elected by ward, while 7 are elected at large.

22 The council is responsible, ultimately, together with the mayor, for the establishment of the city's policies and programs.

23 The council's prime duties are to adopt the current and capital budgets; impose the taxes; borrow money; enact the ordinances; enquire into the needs of the community; and maintain a surveillance of the conduct of the mayor, his appointees and his administration, in their management of those affairs of the community that are entrusted to them.

24 The nature of the "democracy" that is built into the system of decision-making is illustrated by the provision in the charter that, before the council may enact an ordinance, one of the committees of the council must submit the ordinance to the public at a public hearing. The purpose of the proposed ordinance and the date of the committee's hearing must be published in the local press in advance of the public hearing.

25 The administrative powers of the council are reduced to a minimum — the council is a legislative body almost exclusively — with the power to enquire and investigate.

MAYOR

26 The central feature, perhaps, of the American council-strong mayor system, is that the mayor, by the manner of his election, is primarily a political figure.

27 The mayor is a political leader; a community leader; the chief policy maker; the ceremonial head, the chief executive officer and the chief administrator of the municipal corporation.

28 The mayor of Philadelphia is elected at large. The candidates for the office of mayor are supported by one of the local political groups. With the exception of a few relatively brief periods, the Democratic Party has dominated Philadelphia's municipal politics. The local party that succeeds in electing its candidate for the office of mayor may not succeed in electing a majority of its candidates for the office of councillor.

29 The mayor may veto any measure that is passed by the council. If the measure is confirmed, subsequently, by 2/3rds of the members of the council, the measure becomes law.

30 The mayor appoints, controls and removes the heads of the departments and exercises a general power of direction and supervision over the officers and staff. The mayor appoints, also, the great majority of the members of the special purpose authorities — with the exception of the ex-officio members.

31 The mayor is responsible for the preparation and submission to the council of the current and capital budgets and the program of capital works. The council may authorize reductions and deletions in these budgets; but may not authorize increases or additions.

32 The mayor is responsible for short-term and long-term planning.

33 The mayor is required to ensure that the laws and policies of the council are enforced and carried out.

34 The mayor exercises his administrative powers and duties — particularly, those of direction and co-ordination — through the establishment of a "cabinet" composed of the

mayor, a managing director, a director of finance, a city representative and a city solicitor; and by the establishment of an “administrative board” composed of the mayor, the managing director and the director of finance. The powers and duties of the cabinet and the administrative board are outlined in detail in the charter.

THE MAYOR’S CHIEF ADMINISTRATIVE OFFICER

35 Because of the political, hospitality, ceremonial and other public demands on the mayor; and because of the specialized administrative knowledge that is required, the mayor of a large city, usually, does not attempt to be the political and the community leader and, also, the chief administrative officer of the municipal corporation. The mayor of a great city must be free to devote his time to major public issues. Therefore, provision is made in many council-strong mayor charters for the appointment of a trained and experienced person to assist the mayor in the co-ordination and the direction of the officers, the formulation of policies and the administration of the municipal corporation’s affairs. Such is the case in Philadelphia – the title of the chief administrative officer is “managing director”.

36 *The nature of modern municipal problems demands that public policy be based upon thorough research and detailed knowledge of existing local conditions. Therefore, policy recommendations, if they are to be effective, must flow, essentially, from the persons who administer a municipality’s affairs to the persons who establish the municipality’s policies.*

37 The chief role of the managing director, therefore, is to co-ordinate and to direct the efforts of those persons in the administration who are responsible for the preparation of the policy recommendations to the mayor. The mayor’s prime, and ultimate, duty is to accept, amend or reject these recommendations and, then, to submit the results to the council.

38 The managing director, with the assistance of the director of finance, the solicitor and the city representative, in addition to co-ordinating and directing the day-to-day administrative affairs of the city, assists the mayor in the final preparation and formulation of policy for presentation to the council.

OFFICERS

39 In Philadelphia, the mayor appoints the chief officers, with the exception of the controller, who is elected. (The title “controller” is assigned frequently to a governmental officer who assumes the normal duties of an auditor and, also, the duty of controlling the funds of the municipal corporation.) The mayor is required to select the managing director and the director of finance from a list of names submitted to him by an independent panel composed of the presidents of a bankers’ association, a public accountants’ association and a local university. The mayor’s appointment of the solicitor is subject to the council’s approval. The managing director and the director of finance, in turn, appoints, with the approval of the mayor, the heads of the departments that report to them.

SPECIAL PURPOSE AUTHORITIES

40 The mayor of Philadelphia selects the majority of the members of the local special purpose authorities. The members of some of these authorities (i.e. the Civil Service Commission) must be selected by the mayor from a list of names submitted to him by an independent panel of citizens who occupy certain positions in the community as specified in the charter.

41 One of the principles of the system is that the local governmental powers of the community, with the exception of education, be exercised by the municipal corporation.

MERITS

42 Under the American council-strong mayor system of local decision making the electors are presented with a “short” ballot. Each of the electors is required to vote for a small number of candidates and, therefore, the electors may vote with a knowledge of the candidates.

43 Local governmental powers under the system are concentrated in one local agency – the

municipal corporation — and, therefore, the local governmental powers are controlled and co-ordinated with the exception, usually, of education, by one group of elected persons.

44 The structure of the system is simple and direct and, therefore, presents a high degree of accountability of the mayor and the councillors to the electors and the heads of the departments and other officers to the mayor.

45 The system provides a high degree of unity of control, insofar as the executive and administrative processes are concerned — this unity can result in the preparation by the mayor of well-considered and thoroughly-researched recommendations and well-co-ordinated and efficient administrative processes and procedures.

46 The system provides unexcelled leadership. This quality becomes increasingly significant and essential as the social and economic problems of the great American cities deepen.

47 The strength and effectiveness of the system depends, directly, on the political philosophy of the local groups; the ability of one of the groups to control the office of mayor and — most important — the majority of the seats on the council; the abilities and the integrity of the mayor; the abilities of the heads of the departments and the other officers who are appointed by the mayor; and the soundness of the terms of the local government's charter.

WEAKNESSES

48 The prime weakness of the American strong mayor system is the system's dependence on the integrity and the abilities of a single person — the person who is able to get himself elected as mayor — a person who, of necessity, must be a first-rate politician but, not necessarily, a first-rate administrator. This person must be able to lead the council; the community; a local political party; to be an effective politician and, yet, exercise the executive and administrative powers of an extremely large and complicated local government. Few men possess the range of abilities that are required for such a task.

49 The next to the prime weakness of the American strong mayor system arises from the system's separation of powers — legislative, executive and administrative.

50 A separation of the powers of a local government will not contribute to good government if the basis of the separation is not logical, not sound and not understandable by the elected representatives, the electors and the officers.

51 In addition, a separation of powers is conducive to a situation in which one of the local political parties may control the office of mayor and, thereby, control the executive and administrative powers of the municipal corporation; while another local party may control the majority of the seats on the council and, thereby, control the legislative powers of the corporation. In these circumstances, decision-making may be delayed and thwarted and the administrative processes may grind to a halt.

52 A highly "political" person, who does not possess administrative skills and integrity, can create turmoil and havoc under the system in a very short time.

ACCEPTANCE

53 The council-strong mayor system, with its system of local political parties, is a part of the "political culture" of many of the great American urban centres — New York, Boston, Philadelphia, Cleveland, Detroit, Chicago, San Francisco.

THE STRONG MAYOR VS THE MANAGER IN MAJOR CENTRES(1)

54 The council-strong mayor system and the council-manager system were developed in the United States because the council-weak mayor system failed to meet the needs of the large urban municipalities.

- (1) This section is based upon papers published by Wallace S. Sayre and John E. Bebout in *Public Administration Review*

55 The council-strong mayor form appeared in the eastern states, initially, in the last years of the 19th century. The characteristics of the system were forged, one by one, in council chambers, state legislatures and conventions of local political parties until the system, as described in this chapter, finally evolved. The system, the form of which varies in detail from city to city, has been adopted in the majority of the largest of the cities in the United States.

56 The council-manager form, on the other hand, appeared initially early in this century. Because of the pioneering efforts of the National Municipal League, the “preferred” principles of the system were “thrashed out” in annual conventions of the league; were codified; and “model” by-laws were promoted by the league in all sections of the United States. The result has been the acceptance of the council-manager system, with a high degree of uniformity, by many of the medium to larger local governments, particularly, the cities.

57 Because the great majority of the larger American local governments have adopted either the council-manager or the council-strong mayor a discussion of the relative merits of these systems – from the point-of-view of the largest of the cities – is presented in the following subsections.

Arguments in favour of the strong mayor

58 The following points are advanced by those who advocate the council-strong mayor system in large urban centres.

- (a) There is something inherent in big cities that requires the leadership of a mayor who possesses the principal prerogatives of a chief executive officer, namely, the power to appoint, to remove and to direct. Local political party leaders prefer the strong-mayor plan because the party that elects the mayor controls all of the important offices of the municipal corporation during the mayor’s term of office.
- (b) By marrying the idea of the manager to the idea of the elected chief executive officer, the strong-mayor plan preserves the office of mayor as the centre of local political leadership and responsibility.
- (c) The council-manager plan represents an unnecessary “surrender” of the values of leadership, responsibility and accountability to the public; these values are to be found in the office of the strong mayor – an elected chief executive officer.
- (d) The strong-mayor plan embraces, at the municipal level, a “separation of powers” between the council, as the legislative body; and the mayor, as the person responsible for the exercise of the executive and administrative powers of the municipal corporation.
- (e) The basic reason for resorting to a separation of powers in large urban centres is to compensate, through an elected chief executive officer, for the deficiencies in “representativeness” and in “leadership” of the council-manager plan.

Arguments in favour of the manager

59 The following points are advanced by those who advocate the use of the council-manager system in large urban centres.

- (a) The concept of the separation of powers gives rise, frequently, to conflicts between the council as the legislative and the policy-making body; and the mayor as the chief initiator of policies and as the chief executive officer. Deadlock, delay and evasion is common in all governments that are based on a separation of powers.
- (b) In council-manager cities there is no built-in invitation to the councillors and the mayor to bicker. Patronage is eliminated as a source of discord between the councillors and the mayor.
- (c) In council-manager cities issues of policy tend to loom larger than questions of personality.
- (d) The structure of the strong mayor-separation of powers system reflects the pre-occupation of its designers with power and with the struggle for power. In an endeavour to control the lust for power, the system actually diverts attention from

public objectives to private or personal privilege or gains and incidents of politics; and limits participation in the system to persons who are willing or able to compete on these terms. The normal inter-action of the elements of the strong mayor system tend to generate unnecessary friction and conflict.

- (e) The manager of a large city is a leadership asset of “no mean importance”. Many a city has been saved from civic stagnation because of the leadership of the manager.
- (f) There are some pretty big council-manager cities that have not suffered from a lack of leadership, either political or administrative.
- (g) Experience indicates that, on the whole, the council-manager system has certain positive advantages over the council-strong mayor system as a vehicle for constructive leadership. *The basic reason for this is that the design of the council-manager system is, essentially, functional – it is the simplest available structural arrangement for obtaining representative decisions on policy and for the competent execution of the decisions.*
- (h) *The council-manager system does not put all of its eggs into one basket. If a strong mayor fails to provide leadership, there is no one to fill the breach.* In the council-manager system, the mayor is simply the first among equals. Leadership can be, and often is, shared between several of the members of the council.
- (i) The council-manager system, more naturally and efficiently than any other system, maintains a “unity in the local governmental processes”.
- (j) The council-strong mayor system is relatively new and is still evolving. Questions to be determined with regard to the system are “Can a chief administrative officer be a professional administrator and, at the same time, be the direct agent of a strong mayor?” “To what extent will an administrator’s effectiveness be limited by such matters as politics, patronage and the mayor’s election obligations?” “Should the system be restricted to those very large strong-mayor cities where the institution of the office of the strong mayor is entrenched completely?”
- (k) There is a relatively small number of American cities that are prepared to entrust, to an elected chief executive officer, the executive and administrative powers that are necessary to hold him accountable to the public, for the management and administration of a great city.

60 Tradition and entrenched local political interests in many of the strong-mayor cities will make the adoption of the council-manager system extremely difficult to achieve.

CONCLUSIONS

61 *The American council-strong mayor system of local government decision-making evolved during the early years of this century because of the inability of the American council-weak mayor system to meet the needs of the large urban centres of the United States. A form of the system is in use in such cities as New York, Boston, Philadelphia, Cleveland, Detroit and Chicago.*

62 *The prime principle of the plan is the “separation of powers” – legislative, executive and administrative – between the council and a “strong” mayor. An essential component of the plan is a system of viable local political parties whose candidates are prepared to contest the local elected offices.*

63 *The local governmental powers are concentrated in a single agency – the local council – with the exception of education, there are few special purpose authorities.*

64 *The system provides, under the terms of a charter, that the council shall exercise*

- (a) *the legislative powers, certain executive powers and the power to enquire and investigate (particularly into the mayor’s management of the city), and*

the mayor (who is primarily a political figure) shall exercise

- (b) *the power to recommend to the council, the executive powers of the municipal corporation that are not granted to the council, and the administrative powers of the corporation.*

65 *The system attempts to place in the hands of one man, the mayor, responsibility for the management and administration of the municipal corporation's affairs – the same responsibility that is assigned to the American president. The mayor is a political leader, a leader of the community, the chief initiator of local policies and the chief executive and administrative officer of the municipal corporation. He appoints, controls and removes the senior administrative officers and the majority of the members of the special purpose authorities – of which there are relatively few. He initiates all of the recommendations that are presented to the council and is responsible, subject to the policies of the council, for the management and administration of the city.*

66 *Usually, the charter of these very large cities provides for the appointment of an administrative assistant to the mayor who exercises, subject to the control of the mayor, many of the mayor's executive and administrative powers and duties and assists the mayor in the development of policy and in the co-ordination and direction of the officers.*

67 *The system's electoral processes are simple and understandable (the "short ballot" principle is used). The system features strong leadership; a mayor who is the centre of political leadership and responsibility; unity of control; a simple system of decision-making that is visible to the public; a high degree of accountability of the mayor and councillors to the electors.*

68 *The prime weaknesses of the American council-strong mayor system are related to the system's dependence on the integrity and abilities of a single person – the mayor – and the division, delay and indecision that may arise if one of the local political groups controls the office of mayor – and, therefore, the executive and administrative powers, while another group controls the majority of the seats on the council – and, therefore, the legislative powers.*

69 *On the other hand, if the powers and duties that are assigned in the charter are logical and reasonable, if the local political parties are responsible and responsive, if one of the parties exercises control and if the mayor possesses integrity and ability, the system can provide excellent, and extremely progressive, local government.*

70 *Thoughtful students and observers of the American local government scene are of the opinion that an adaptation of the principles of the council-manager system would serve the needs of the urban centres better than do the principles of the council-strong mayor system. However, since the concept of the strong, elected leader, with very great executive and administrative powers, is a part of the political culture of the largest of the urban centres (particularly, those that are east of the Mississippi), there is little possibility that such a change will occur in these centres in the foreseeable future.*

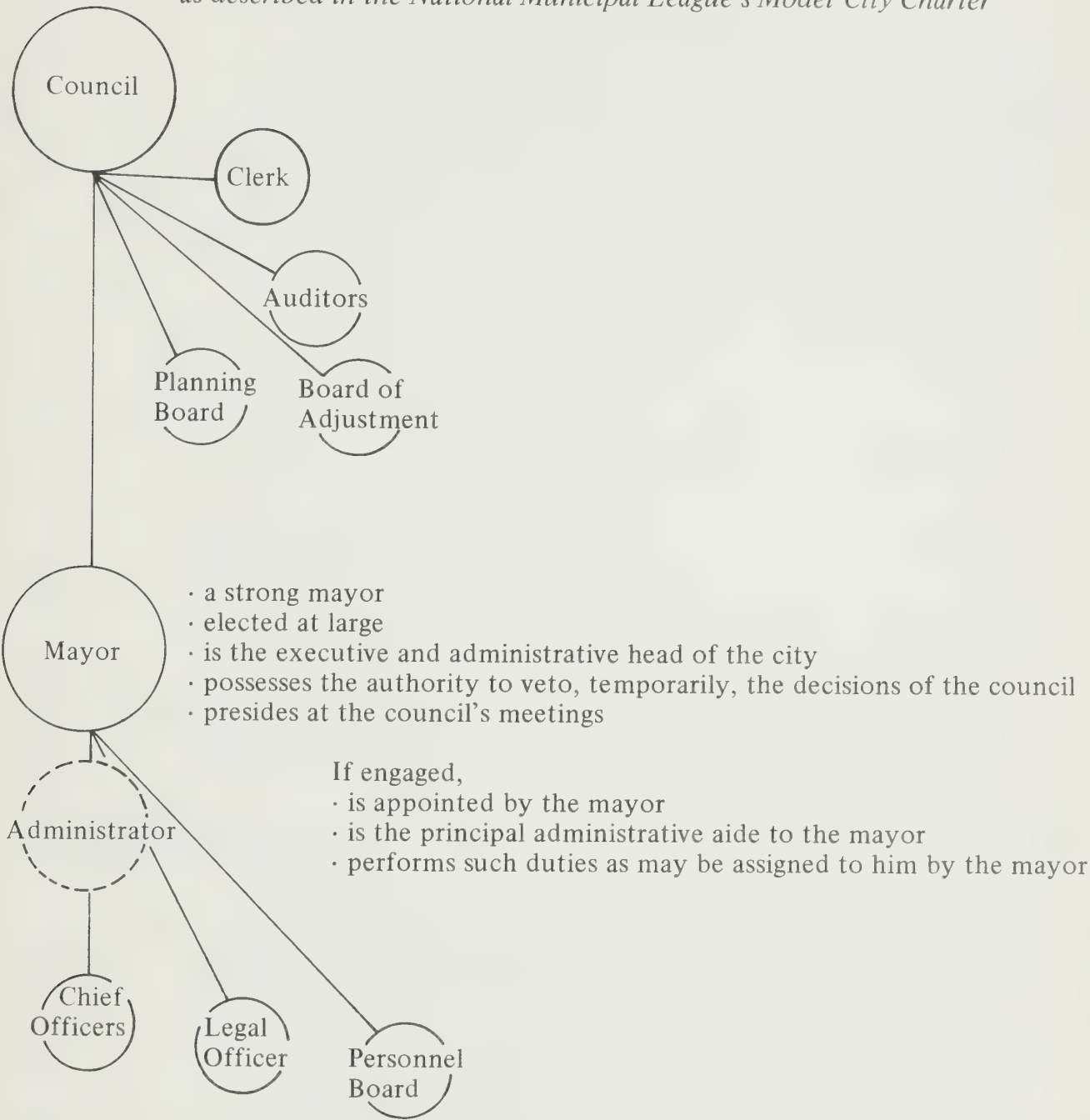
71 *The great majority of the American cities that abandoned the council-weak mayor system during this century, adopted the council-manager system and rejected the council-strong mayor system. These cities were not prepared to entrust their executive and administrative powers to a single person.*

72 *The American council-strong mayor system is not in accord with the traditions or the principles of municipal government in Ontario. However, the system's significance to Ontario is that it is one of the two systems that were developed and adopted in the United States during this century, by the great majority of the larger local governments, in the place of the inadequate council-weak mayor system. Many of the inadequacies of the council-weak mayor system were incorporated into Ontario's 5 systems of municipal government and are still retained in these systems.*

Table A

COUNCIL-STRONG MAYOR SYSTEM

as described in the National Municipal League's Model City Charter

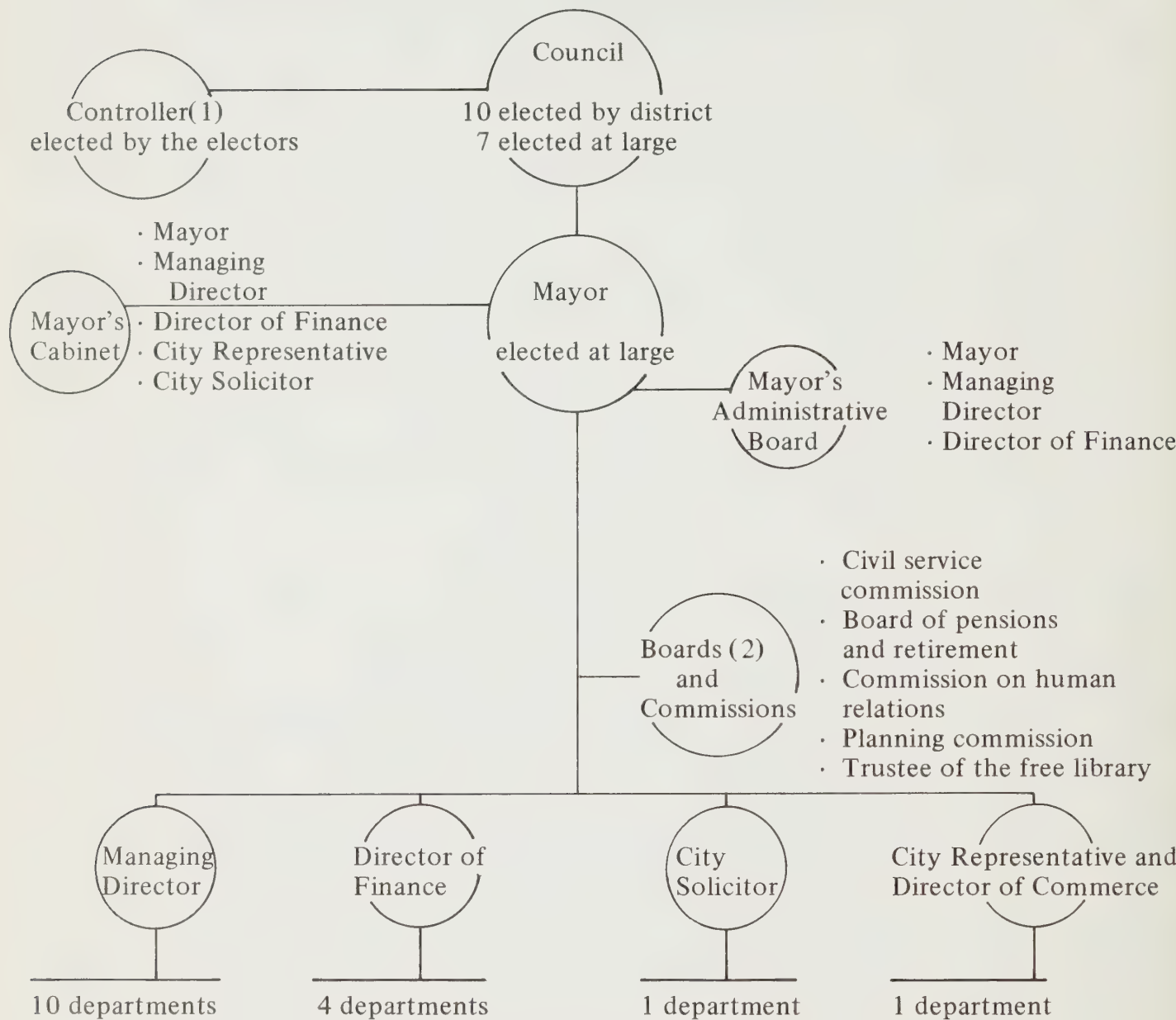


Note:

- Comments concerning the offices and special purpose authorities under this system, are the same as under the council-manager system, with the exception of the mayor and his administrator, if one is appointed.
- Powers of, and duties of, the manager under the council-manager system are assigned to the mayor, under the council-mayor system.

Table B

CITY OF PHILADELPHIA
Council-strong mayor system



- Notes:
- (1) The controller is the auditor of the city; his methods are subject to audit, periodically, by a firm of certified public accountants – appointed by the council.
 - (2) All of the boards and commissions are not listed. The members of these boards and commissions are appointed (a) exclusively by the mayor; (b) by the mayor from a list of nominees submitted to him; (c) by the mayor and other local groups.
 - (3) Philadelphia's population is approximately 2,000,000.

America's Council-Chief Administrative Officer System

INTRODUCTION

1 In this chapter the manner in which the American council-chief administrative officer (CAO) system evolved from the American council-manager system is described. The principles of the council-manager system that are accepted, and that are not accepted, into the system are stated. The reasons for the system's development are reviewed. The distinguishing features are summarized. A comparison is made between the municipal manager and the municipal CAO. The roles of the councillors, the manager and the CAO are discussed. The acceptance in California of the council-CAO system is compared to the acceptance of the council-manager system. Conclusions are drawn.

ORIGIN

2 *America's council-CAO system evolved in the State of California directly from the American council-manager system.* The latter system is described and discussed at length in Chapter XVII. The system has been established in other states.

3 In California, as in other states, under the State Constitution any city with a population in excess of 3,500 enjoys the privileges of "home rule". A local government that enjoys these privileges is free to undertake the formulation of a charter and, by popular vote, to ratify the charter. After ratification, the local municipal corporation's statutory powers and duties are as provided for in the charter. There are limitations in California and in other "home rule" states on the powers and duties that the citizens of a local community may confer, by charter, on their local council and the municipal corporation. The principle of "home rule" confers a high degree of democratic responsibility, citizen participation, autonomy and independence on the local communities.

4 The council-manager form of local decision-making has been popular in California since the earliest days of the system.

5 However, in the mid '40s, in certain communities where there was an acceptance of the intrinsic worth of the council-manager plan, reservations arose with regard to two of the six principles of the National Municipal League's famous Model City Charter. The four principles that were acceptable in these communities are the following,

- (a) the power of the municipality is vested in a small council – with the exception of education, the powers of the special purpose authorities are returned to the council,
- (b) members of the council are elected at large,
- (c) the "short ballot" principle is followed – the only elected local public offices, with the exception of the members of the school board, are the members of the council, and
- (d) the mayor is appointed by the council from among its members,

while the two of the principles that were not acceptable are the following

- (e) *a manager is appointed by the council to carry out the council's policies and to act as the council's agent in the administration of the municipality's affairs, and*
- (f) *the council determines policy and does not become involved in administration.*

6 The result of these reservations was the decision of a number of persons who were active in local government in California to attempt to formulate a local decision-making arrangement that would,

- (a) accept the council-manager system's first four principles, but
- (b) alter the last two principles, substantially.

7 *These persons wished to establish a system that*

- (a) *secured for the councillors the services of an administrative assistant or agent, but*
- (b) *provided that the councillors retain and exercise all of the powers – legislative, executive and administrative – of the municipal corporation.*

REASONS FOR DEVELOPMENT

8 *Through the years, one reason and one reason only, has been foremost in fostering the acceptance of the council-manager system and the council-CAO system; namely, the realization that the person who is elected to serve the public, part-time, on the council of a municipality, is overburdened with the many details of governmental administration unless the council secures trained and experienced assistance.*

9 There is a limit to the number of administrative matters that part-time councillors can oversee. The impossibility of part-time councillors giving heavily of their own time to furnish adequate administrative direction to day-to-day local government affairs has been accepted by the voters of the California cities frequently and consistently. The opinion "councillors are overburdened and, unless something is done to give them assistance, good people, because of the drain on their personal businesses, will not run for public office", is repeated frequently.

10 Many other reasons are to be found for the establishment of the council-CAO system in California. Some of these reasons are

- (a) the public's increased knowledge and interest in the techniques of modern management,
- (b) the greatly increased need for administrative co-ordination in the local governments, and
- (c) the inability of the council to fix administrative responsibility and accountability if one person is not assigned the duties of a CAO.

Other reasons are to be found in the chapters that describe and discuss America's council-manager system and Ontario's council-no or very few committees-a CAO system.

DISTINGUISHING FEATURES

11 The distinguishing features of the American council-CAO system are derived from the concept that the council should retain and exercise all of the powers of the municipal corporation and should not delegate any powers, including the administrative powers, to an appointed officer.

12 In order to adhere to this concept, and yet, to secure the services of an administrative assistant, the theory of the administrative agent was studied and the theory was adapted to accord to the wishes of the councillors of these California local governments.

13 The result was the establishment of a new local government office – the incumbent of which was called the 'chief administrative officer' (CAO). The officer is appointed by the council.

14 Usually, the CAO possesses training and experience in the affairs of the local governments. The CAO is the administrative agent of the council; he performs those administrative duties that are assigned, specifically, to him by the councillors; he studies, suggests, assists, reports, recommends.

15 The council does not assign to him the duty to lead, co-ordinate and direct the officers "in the establishment of a system of co-ordinated administration at the officer level".

16 The council does not delegate any of the administrative powers of the local government to the CAO.

A COMPARISON OF THE MANAGER AND THE CAO

17 The nub of a comparison between the powers and duties of the National Municipal League's manager and of California's CAO lies in the last three paragraphs of the previous section.

18 A detailed comparison of the powers and duties of the manager, as outlined in paragraph 27 of Chapter XVII, and the duties of California's CAO indicates that there are three or four significant differences between the manager and the CAO.

19 The manager is required, under the terms of a charter, to supervise all of the officers and employees; whereas, the CAO is required by the council to supervise only those officers and employees that the council specifies – the remainder are supervised, directly, by the councillors.

20 The manager is required, under the terms of a charter, to plan, direct, co-ordinate and review the services rendered to the public by the departments; whereas, the CAO is required by the council to plan, direct and review only those services that are specified by the council – the remainder are planned, directed and reviewed, directly by the councillors.

21 The manager is required, under the terms of a charter, to prepare an annual budget, with the assistance of the officers, and to submit the budget to the council. The CAO is required by the council to collate the budgetary submissions of the heads of the departments and to submit the totals to the councillors, with his suggestions.

22 The manager is granted, under the terms of a charter, the power, subject to the general policies of the council, to appoint, control and remove the officers and employees of the municipal corporation. The CAOs powers are limited to the making of recommendations to the council concerning these matters.

23 The council delegates to the manager a wide range of administrative powers – to be exercised within the policies of the council. Within the policies of the council the manager, with the assistance of the officers, is required to administer the municipal corporation's day-to-day affairs using the "management by exception" principles. The council does not delegate administrative powers to the CAO. The council retains and exercises, at least theoretically, all of the municipal corporation's administrative powers.

24 In essence, under the National Municipal League's council-manager system, the council instructs the manager to establish, with the assistance of the officers, a system of "co-ordinated administration at the officer level" (a recommendation of England's Royal Commission on Local Government (1966-1969)) while, under California's council-CAO system, the council retains all of the powers and exercises, directly, the administrative powers – with the advice and assistance, as requested, of an administrative officer.

25 In practice, however, because of the wide differences in the attitudes and the needs of councillors, the abilities of CAOs and the needs of the municipal corporations; **the informal role of a CAO may be very similar to the formal role of a manager; and the powers and duties that are assigned, informally, to a CAO, may be very similar to the powers and duties that are assigned, formally, to a manager.**

26 In the final analysis the role that is performed by a manager or by a CAO is not determined by a statutory statement of the powers and duties of such an officer, but by the notions of the councillors with regard to their need for administrative assistance. The notions of the councillors, of course, will be influenced, greatly, by the manager or the CAO. From the council's point-of-view, there is no meaningful distinction between a manager – to whom administrative powers and duties are delegated formally – or a CAO – who is the agent of the council and is not authorized to exercise any of the municipal corporation's powers. In either case, the council is the final arbiter of the decisions of the manager or the CAO and of the continuance of either in public office.

ROLES OF THE COUNCILLORS, THE MANAGER AND THE CAO

27 Most council-manager and council-CAO charters attempt to delineate the powers and duties of the councillors, the manager and the CAO, carefully and clearly.

28 The council-manager charters “concentrate policy-making in the council and administration in the manager”. To ensure that the councillors do not interfere with the manager in the exercise of his duties and do not allocate an excessive amount of time to matters of administration, the charters contain statements such as the following: “neither the council nor any councillor shall interfere with the manager in his exercise of his powers and duties” or “the council or any councillor shall deal with the administration of any service, exclusively, through the office of the manager, except for the purposes of enquiry or information”.

29 The council-CAO charters, since the CAO is considered to be merely the administrative agent of the council in the discharge of its duties, contain statements that prohibit, specifically, “the CAO from exercising any legislative or policy-making powers” and “from committing the council to an action or decision that requires the council’s approval”.

30 However, because of the difficulty of isolating matters of policy from matters of administration and because the powers of a municipal corporation may, or may not, be exercised according to the terms of a charter and the local ordinances; a person cannot, necessarily, secure a correct understanding of the exercise of power within a community by merely reading the terms of its charter and ordinances.

31 The California CAO, by the nature of his specific assignments, is required to play a significant role in the formulation of policy. Similarly, the council, in a council-manager or in a council-CAO municipality, by the nature of its duties to the electors, is required to play a significant role with regard to the administrative processes. *One of the council’s most vital functions is to criticize, investigate and ultimately control the administrative processes.*

32 *Effective local government cannot be built, exclusively, upon legal relationships. The CAO and the manager can function properly, only if their contacts with the councillors are co-operative and helpful and, only, if they and the councillors operate as a team.* Their mutual objectives must be the attainment of effective and efficient local government. The objectives will be met if the councillors and the CAO or the manager concentrate on their respective prime duties; if they respect the essential nature of each other’s role and if they are helpful to each other.

ACCEPTANCE

33 The following is a summary of the acceptance of the council-CAO system and the council-manager system in California in the ’50s.

COUNCIL-CAO AND COUNCIL-MANAGER CITIES
in California in the ’50s (1)

Population	Number of cities	CAO and Manager cities			Percentage of cities with a CAO or Manager
		CAO	Manager	Total	
under— 1,000	23	0	0	0	0%
1,000— 2,500	72	1	2	3	4
2,500— 5,000	60	6	6	12	20
5,000— 10,000	46	12	11	23	50
10,000— 25,000	67	11	38	49	73
25,000— 50,000	19	4	11	15	79
50,000—100,000	11	1	8	9	82
100,000—500,000	6	0	6	6	100
over—500,000	2	2	0	2	100
	306	37	82	119	

(1) more recent statistics are not available

34 The summary indicates that of the 119 cities in California that had adopted either the council-manager or the council-CAO system, 37 or 30%, had adopted the council-CAO system. The population of the bulk of the council-CAO cities ranged from 2,500 to 50,000. (The two municipalities in the "over-500,000" range are Los Angeles and San Francisco.)

35 An enquiry was directed to the International City Management Association concerning the more recent acceptance of the council-CAO system in California and in the United States, generally; and the extent to which American municipalities in other states have abandoned the manager system for the CAO system and vice versa. The information was not available. *However, the Association did state that "the council-CAO system is definitely growing in the United States".*

CONCLUSIONS

36 *America's council-CAO system accepts the intrinsic values of the American council-manager system and adopts the following four principles of that system,*

- (a) *the power of the municipality is vested in a small council – with the exception of education, the powers of the special purpose authorities are returned to the council,*
- (b) *members of the council are elected at large,*
- (c) *the "short ballot" principle is followed – the only persons who are elected to local public office, with the exception of the members of the school board, are the members of the council, and*
- (d) *the mayor is appointed by the council from among its members,*

but rejects the following few principles of that system,

- (e) *a manager is appointed by the council to carry out the policies of the council and to act as the agent of the council in the administration of the municipality's affairs, and*
- (f) *the council determines policy and does not become involved in administration.*

37 *The distinguishing features of the system are derived from the concept that the council should retain and exercise all of the powers of the municipal corporation, including the administrative powers – the council should not delegate administrative powers to a manager.*

38 *The CAO is the administrative agent of the council. He performs duties that are assigned specifically to him by the council. He studies, suggests, assists, reports, recommends. The CAO is not instructed to establish "a system of co-ordinated administration". He leads, co-ordinates and directs the other officers of the municipal corporation only to the extent that he is authorized, specifically, to do so by the councillors. The councillors themselves retain and assume responsibility for the direct supervision of the officers and the departmental staff. The degree of supervision varies, of course, from community to community.*

39 *In essence, under the council-manager system, the council engages a trained and experienced manager and instructs him to establish a system of "co-ordinated administration at the officer level"; while, under the council-CAO system, the council retains the legislative, executive and administrative powers and exercises, directly, the administrative power of the municipal corporation – with the advice and assistance, as required, of an administrative officer – the CAO.*

40 *In practice, however, for many reasons, the informal role of a CAO in many municipalities may be very similar to the formal role of a manager. The powers and duties that are assigned, informally, to a CAO may be very similar to the powers and duties that are assigned, formally, to a manager.*

41 *In the final analysis, the role of a CAO or a manager is shaped by the council's concept, and that of the CAO or the manager, of the nature of the administrative needs of the council and the municipal corporation.*

42 *The council-CAO system meets the essential need of the councillors for the services of a*

trained and experienced person to advise and assist them to exercise the municipal corporation's administrative powers and duties.

43 *However, under the American council-CAO system*

- (a) the councillors retain and exercise the administrative powers of the municipal corporation and, therefore, are diverted from the prime needs of the corporation – the establishment and the revision of policy; representation; public debate; public information; the major local issues,*
- (b) the municipal corporation's day-to-day routine and repetitive administrative powers and duties are not delegated by the councillors to the officers, and*
- (c) a system of "co-ordinated administration at the officer level" under the direction of a chief administrative officer is not established.*

44 *The effectiveness of the council-CAO system is related directly to the manner and the degree to which the councillors use the services of the CAO*

- (a) in the development and formulation of recommendations to the council, and*
- (b) in the co-ordination and direction of the officers and the staff.*

45 *Many of Ontario's systems of municipal decision-making that in Chapter IX are classified as a "council-no or very few committees-a CAO" system are strikingly similar, in philosophy, to the American council-CAO system. This is particularly so in the case of the great majority of the 50 Ontario municipalities that have appointed a "CAO", but have retained a system of administrative committees of the council to supervise the officers and the administrative affairs of the departments. The conclusions of this chapter apply, to a very great extent, to these Ontario council-CAO municipalities.*

England's System of Local Government

INTRODUCTION

1 The chapter commences with an outline of the sources of information upon which the chapter is based. The responsibilities of England's local governments are then described. The terms of reference and the findings of four outstanding public enquiries of the '60s with regard to England's local governments are summarized. One of these enquiries was concerned specifically with decision-making. The findings of this enquiry and the response of the local governments to them are outlined. The goals and objectives of the four reports are identified. The elements in the local governments' decision-making processes are then described and discussed – the council, committees of the council, the officers and the department structure. A comment is made concerning Central Government-local government relationships. Conclusions are drawn.

SOURCES OF INFORMATION

2 The sources of information for this chapter include the four outstanding reports that were presented to England's National Government, its local governments and its public during the '60s; the publications of the Institute of Local Government Studies at the University of Birmingham; correspondence; standing orders; by-laws; briefs and reports of municipalities and local government associations. The documents of the municipalities and their associations were secured directly from the responsible officers.

3 The most significant source of information was eighteen interviews with councillors, officers of municipalities, university professors with extensive experience in local government and officers of national municipal associations. The interviews were held in England in late '69 and were arranged by Mr. M.F. Stonefrost, Secretary, The Institute of Municipal Treasurers and Accountants. In order to benefit from each interview to the maximum, an outline of each interview (prepared, in most cases, after a study of documents of the municipality of which the person to be interviewed was a senior officer) was prepared in Canada and submitted to each correspondent well in advance of the interview.

4 The persons interviewed included some of the most experienced and knowledgeable persons in the English-speaking world with regard to decision-making in local government.

LOCAL GOVERNMENT RESPONSIBILITIES IN ENGLAND

5 The responsibilities of England's local government were defined by the Royal Commission on Local Government in England as follows: *"The English local governments are responsible for police; the fire service; for almost all education other than university; for the health and welfare of mothers and infants, the old and the sick, for children in need of care; for public health; for housing; for sport and recreation; for museums, art galleries and libraries; for the physical environment and the use of land for highways, traffic and transport and for many other matters too numerous to mention"*.

6 The councils of the local governments are responsible for the management of these local services. *The local services, for which the councils are not responsible, with very few exceptions, such as electricity, gas, telephone and public transportation, tend to be services the cost of which is recovered by the imposition of a user charge.*

7 The fact that the local governments are responsible for such a wide range of local services has influenced, greatly, the organization structure of the councils, their committees, the chief officers and the departments.

8 The local governments, after the Second World War, became involved, deeply, in the

unprecedented social and economic changes that appeared, at an increasingly rapid rate. The local governments were faced with the urgent problem of adapting their old, historic and extremely “democratic” system of decision-making to these changes. Their leaders concluded that, if the system was to be able to cope, modern principles of management must be introduced. The National Government did not give leadership. The councils were on their own. Local government leadership did arise. Because of local leadership, major studies were commissioned by the National Government and consultation, discussion and debate took place. Far-reaching reforms have been introduced, in recent years, into the local decision-making processes. The task of reform will take many years; however, to England’s great credit, the task has been commenced.

LOCAL GOVERNMENT IN TRANSITION IN ENGLAND

9 Great Britain’s local governments, since the mid ’60s, have been going through a period of review, discussion and private and public debate. As indicated in the previous paragraph, the review has been facilitated greatly by the reports and the recommendations of the committees and of the royal commissions that were appointed by the National Government to study many of the aspects of local government.

10 Most of the recommendations that are contained in these reports are concerned with the decision-making processes — the organization of the council, its committees, the officers, the department structure, etc.

11 These reports have given rise to the first thorough examination, in generations, of the decision-making structure of the English local authorities. Most of the councils, in anticipation of the reactions of the electors, have examined and compared their authority’s practices with the standards recommended in these reports. Many changes have been made; many changes have been authorized; other changes are being examined thoroughly. A great private and public debate has been taking place. The debate is by no means finished. Local government in England will benefit immeasurably.

12 *ENGLAND’S LOCAL GOVERNMENT’S PROBLEMS ARE THE PROBLEMS OF LOCAL GOVERNMENTS THROUGHOUT THE WORLD — THEIR GREATEST PROBLEM IS THE PUBLIC’S APATHY. THE OPINION WAS EXPRESSED THAT “GENERALLY SPEAKING, THE PUBLIC IS NOT INTERESTED IN LOCAL GOVERNMENT. THE PUBLIC’S INTEREST IN LOCAL GOVERNMENT IS LIMITED TO SECURING AN ADEQUATE STANDARD OF SERVICES AT AN ACCEPTABLE RATE OF TAXATION. ”*

TERMS OF REFERENCE AND RECOMMENDATIONS of COMMITTEES AND COMMISSIONS

13 The most significant development in local government in Great Britain in the ’60s was the decision to appoint two committees and two royal commissions to examine into the problems of local government.

14 The following is a very brief outline of the terms of reference and the recommendations of each of the committees and commissions — giving emphasis to matters related to the decision-making processes.

15 **A COMMITTEE ON THE STAFFING OF LOCAL GOVERNMENT (MALLABY)** was established by the government at the request of the four local authority associations in 1964 “to consider the existing methods of recruiting local government officers and of using them and what changes might help local authorities to get the best possible service and help their officers to give it”. After a thorough and far-reaching study, *the committee, in 1967, reported and made a great many very significant recommendations to the national and the local governments with regard to recruitment; career prospects; selection procedures; training; use of staff; internal organization and mobility of staff.*

16 **A COMMITTEE ON THE MANAGEMENT OF LOCAL GOVERNMENT (MAUD)** was,

also, established by the government at the request of the four local authority associations “to consider in the light of modern conditions how local government might best continue to attract and retain (both elected representatives and principal officers) of the calibre necessary to ensure its maximum effectiveness”. After another thorough and far-reaching study, *the committee reported in 1967 and made a great many recommendations to the national and the local governments with regard to the internal organization of local authorities (the council, its committees, the officers, the departments); relationships between the national government and the local authorities; the public and the local authorities and the elected members*. This report, which is considered by most to mark a milestone in the development of English local government, examines, in depth, the decision-making processes. Detailed and frequent references will be made to this report in this chapter.

17 A ROYAL COMMISSION ON LOCAL GOVERNMENT IN ENGLAND (ROYAL MAUD)

was established by the government in 1966 “to consider the structure of local government in England, outside Greater London, in relation to its existing functions; and to make recommendations for authorities and boundaries; and for functions and their division; having regard to the size and character of areas in which these can be most effectively exercised and the need to sustain a viable system of local democracy”. Again, after a thorough and far-reaching study, the commission reported in 1969 to the government and recommended that England, outside of Greater London, be divided into 81 main authorities – 58 unitary, 3 metropolitan and 20 metropolitan districts. At present, in England, outside of Greater London, 1210 local authorities are presently responsible for the services that 81 authorities will provide in the future, if the commission’s recommendations are accepted. In the special circumstances of the three metropolitan areas around Birmingham, Liverpool and Manchester, the commission recommended that responsibility for services be divided in each case between a metropolitan authority and a number of metropolitan district authorities. *With regard to management, the commission supported, strongly, the findings of the Committee on Management and recommended the establishment of effective management committees; that the enlarged authorities make use of modern management technology – that much more “executive business” be delegated to officers; that chief administrative officers be appointed and that central management groups, composed of chief officers, be established.*

18 The report was presented to the government (Labour) which, prior to its defeat, issued a white paper that endorsed, essentially, the major recommendations of the commission. The present government (Conservative) issued its white paper in 1971 under the terms of which a major reorganization will take place, but with more reliance on the “two-tier” concept, as against the “unitary” concept, than was recommended by the commission. Under the terms of the white paper, there will be a very great reduction in the number of local authorities in England.

19 Finally, a **ROYAL COMMISSION ON LOCAL GOVERNMENT IN SCOTLAND (WHEATLEY)** was established by the government in 1966 with the same terms of reference as were given to “Royal Maud”. The commission’s report to the government was also made in 1969 and it, too, was thorough and far-reaching. Because of the similarities between the distribution of Scotland’s population and its areas of urbanization with those of Ontario, the findings of the commission are of particular interest to students of Ontario’s municipal structure. *The commission’s most significant recommendation was that the 430 counties of cities, large burghs, small burghs, counties and districts, be replaced by 7 regional authorities and 37 district authorities.*

20 *With regard to internal organization and management, the commission also supported the Committee on Management and made a strong appeal for “unified management” at both the elected member level and the officer level; for the establishment of management committees and for the mandatory appointment of chief executive officers.*

21 The reports of the committees and the royal commissions emphasize the “absence in the local governments of a formal and an effective co-ordinating executive” and the “weakness of the local government’s central management”.

GOALS AND OBJECTIVES OF COMMITTEES AND COMMISSIONS

22 Insofar as decision-making is concerned, the goals and objectives of the work of these committees and commissions were to

- (a) secure a more effective local government decision-making structure,
- (b) enable the councillors to perform their duties, to determine policy, and to ensure that policy is carried out,
- (c) reduce the time required of the councillors,
- (d) make the committee system more efficient, less time-consuming and less costly.
- (e) permit the councillors to “manage” the local authorities, rather than to “administer” the authorities,
- (f) save the time of the public and to increase its understanding of local government, and
- (g) increase the effectiveness of the officers.

REACTION OF THE LOCAL GOVERNMENTS

23 Some of the steps that are being taken by the local governments of England to achieve these goals and objectives are as follows:

- (a) modern management techniques are being studied and applied to the administrative affairs of the authorities,
- (b) the councils are establishing a management committee or are assigning additional duties to an existing committee in order to strengthen the management processes and to improve co-ordination, forward planning, financial and other controls, etc.
- (c) the powers and duties of the service committees are being studied carefully and their duties are being changed in order to correspond to the authority’s departmental structure,
- (d) the number of committees is being reduced, and the workings of the committee system is being improved, greatly,
- (e) delegation to committees and to chairmen of committees is being increased,
- (f) chief executive officers with more effective management duties and an increased decision-making role, are being appointed,
- (g) delegation to chief officers is being increased, greatly,
- (h) chief officer groups, with the chief executive officer as chairman, are being established in some of the large authorities,
- (i) to cope with span of control the number of departments is being reduced and their duties are being re-aligned on a more functional basis, and
- (j) greater emphasis is being placed on the development of effective management techniques and on the application of the knowledge gained to the management of the local governments.

A COMPARISON BETWEEN MAUD’S RECOMMENDATIONS AND THE RESPONSES THERETO

24 The recommendations of England’s Committee on Management (Maud), insofar as they relate to the internal organization structure of the local authorities will be outlined in this section. The response, in general terms, of the local governments will be indicated.

25 The findings of the committee have been studied carefully by most, if not all, of the associations of the local authorities and their officers. Most of these associations have taken a stand, publicly, on many of the recommendations of the committee and have published impressive reports to support their points of view. A great many of the councils, also, have examined the report and have instructed the officers to prepare reports on the feasibility of certain of the committees’ recommendations. Many authorities, particularly the large urban authorities, have authorized significant changes as the result of these reports.

26 As indicated earlier, the need for reform continues to be debated in the councils, the caucuses of the local political groups, the national political parties, the press and the local government journals.

27 In the opinion of the University of Birmingham’s Institute of Local Government Studies, the report has given “a strong and authoritative voice to the need for reform and has suggested certain ideas about the direction of change for public debate”.

28 On the left-hand side of paragraph 29 the recommendations of Maud with regard to the decision-making processes have been summarized, while on the right-hand side, the responses of the “more management-oriented” of the local authorities have also been summarized.

29 The summary has been reviewed by officers that were interviewed in England. Each of these officers stated that the summary reflects, accurately, the response of the more “progressive” authorities to Maud. *(The decision-making processes that are outlined, in the next few pages, are designed for use in very large local governments.)*

Maud’s Recommendations	Response of the more “management-oriented” local governments
Council <ul style="list-style-type: none">· is vested with all of the powers of the local government, retains ultimate direction and control, but delegates to a management board all executive powers with the exception of the power to tax and to borrow· takes the key decisions· discusses and settles major policies including long-term planning· is a forum for debate· adopts a systematic approach to the processes of management· ensures that the executive responsibilities are carried out by the management board· establishes deliberative committees	Council <ul style="list-style-type: none">· is vested with all of the powers of the local government, retains ultimate direction and control, but delegates to a policy committee and to service committees all of its executive powers, with the exception of the power to tax and to borrow and, depending upon the wishes of the council, other powers· takes the key decisions· discusses and settles major policies including long-term planning· is a forum for debate· adopts a systematic approach to the process of management· ensures that the executive responsibilities are carried out by a policy committee and a number of service committees
Management Board <ul style="list-style-type: none">· is a strong executive committee· is delegated all of the executive powers of the council· on behalf of the council<ul style="list-style-type: none">(i) formulates objectives, forwards plans, co-ordinates resources for consideration of the council(ii) reviews progress and assesses results(iii) maintains a supervision of all of the departments – each member of the board has a “special sphere of influence”(iv) takes all of the decisions not delegated to the chief officers	Policy Committee <ul style="list-style-type: none">· is a strong management committee· is delegated responsibility for<ul style="list-style-type: none">(i) recommending the formulation of objectives, allocation of resources and planning of priorities(ii) finance policy, finance planning, current budget, capital budget(iii) personnel and staff policies(iv) general management policies(v) council, employee, public and other government relationships· a central policy and co-ordinating committee

- recommends decisions to the council where power is retained by the council
- presents all business to the council, subject to the rights of the members
- chief executive officer is the only officer who reports to the board

Deliberative Committees

- are deliberative, not directing bodies
- delegated very little executive power
- recommendations are made to the management board concerning major objectives, new ideas, reviews of progress, criticisms, etc. and are submitted by the board to the council with its recommendation
- number of committees drastically reduced
- no detailed duties, free to examine the "broad" picture

Chief Executive Officer

- head of the "authority's paid service"
- leader of the chief officers to whom all other staff report
- leader of the chief officers insofar as is necessary for the execution of the council's policies and for efficient management
- is responsible to the management board
- chief officers are responsible to council through the chief executive officer
- office open to all professions

- functional committee reports are presented through this committee to the council
- includes often the chairmen of the functional committees
- is called a management committee, a general purposes committee, a finance committee, an establishment and finance committee

Service Committees

- are delegated executive powers in respect of a department or a group of departments
- executive power is exercised within the general management policies established by the policy committee
- report to the council through the policy committee
- as few committees as is practical are established

Chief Executive Officer

- head of the "authority's paid service"
- leader of the chief officers to whom all other staff report
- co-ordinates the implementation of "the policies approved by the council"
- ensures that chief officers work as a team and in a co-ordinated manner insofar as formulation of policy, establishment of controls, budgeting and related matters are concerned
- must not over-ride the responsibilities of the chief officers
- exercises leadership and initiative
- leader, sometimes, of a small group of chief officers
- free, sometimes, of specific "line" duties
- office is open to all professions
- titles such as chief executive officer are being used

Chief Officers' Group

- composed of the chief executive officer (chairman), treasurer, engineer and the other chief officer concerned with the matter under discussion
- all matters of major policy are referred to the group prior to their submission to the policy committee or to a service committee
- if a report of a chief officer is concerned with a matter that is within the responsibility of a service committee the report is directed by the chief officers group to the service committee and is forwarded from the service committee to the policy committee
- the chief instrument of co-ordination and authority-wide administration

Chief Officers

- report to the chief executive officer
- responsible for the day-to-day administration of a particular department
- issues are to be dealt with at the lowest possible level, consistent with the nature of the issue
- drastic reduction in the number of departments
- responsible for the identification of the problems that the members of council should decide upon

Chief Officers

- report to a service committee through the chief executive officer
- responsible for, and accountable for, the management, the control and the day-to-day administration of a particular department
- granted the maximum degree of delegation practicable
- delegation is on a "management by exception" basis
- attend policy committee meetings when matters affecting their departments are being discussed

30 The council, the management committee, the service committees, the chief executive officer, the chief officer groups, the chief officers, the departmental structure and a comment concerning England's attitude to the council-manager system will be described in the next nine sections of this chapter.

31 Before doing so, it is essential to emphasize that *an understanding of the workings of local party politics and delegation in the local authorities is essential to an understanding of the decision-making processes in the local authorities.*

32 England's system of party politics in local government is discussed in Chapter XXI. Delegation in the local governments is discussed in Chapter IV.

A chart that illustrates the organization of a large council, as recommended by Maud, including his management board, and a chart that illustrates the organization of one of England's most "management-oriented" local authorities are presented as Tables A and B of this chapter.

COUNCIL

A description

33 Two thirds of the members are elected by those eligible to vote and are called councillors; while one-third are appointed by the councillors and are called aldermen. The abolition of the appointment of aldermen is recommended by Maud.

34 One-third of the councillors are elected each year. Maud recommended that triennial elections be substituted.

35 By Ontario’s standards the councils are very large. Councils of 50 members, or more, are common. The number of members on the council is determined by the national government’s Home Office. A local government is required to submit to the Home Office a proposed system of wards and to provide for the election of three councillors from each ward. The Home Office has never issued a statement of its policy with regard to the number of the members on a council. The large numbers on the councils reflect a very old English tradition that a relatively high voter-member ratio is essential if local government is to be “democratic.”

36 There is little to indicate that the size of the council is, at present, a matter of general concern, although the number of persons on the council of the recently-established County Borough of West Bromwich, for instance, is somewhat fewer than such numbers have been. However, Maud recommended a limit of 75 members. Royal Maud’s recommendation that the number of persons on the councils of the 58 proposed unitary authorities be limited to 75 appears to raise the issue of the size of the councils.

37 The number of members on the councils would appear to be determined by an historic English tradition with regard to the nature of local representation and not by the needs of the decision-making processes.

38 The age of England’s councillors is well above the age of the average person in the general population. The majority of them are farmers, union officials, small merchants and the self-employed. 12% of the councillors are female.

39 The following summary of the turn out for the polls and the numbers of uncontested seats for the year 1964 is taken from Maud’s Report.

	<u>County</u>	<u>County Borough</u>	<u>Non-county borough and urban district</u>	<u>Rural District</u>
percentage that voted, average	41%	41%	42%	45%
percentage of uncontested seats, average	56%	9%	20%	70%

40 Maud states that “*despite the apparently extreme democratic forms which characterize local government – (i.e. large councils, the two-tier system of local authorities, administration by committees and the high degree of participation in the administrative affairs of the authority by the members) there is, undoubtedly, ignorance of the work of local government and apathy towards it.*”

41 Because the councils are authorized to delegate executive power to committees, the councils themselves meet much less frequently than is the case in Ontario – i.e. quarterly; many councils meet monthly; a six week’s cycle is becoming common.

42 Members of the councils do not receive any remuneration. However, they are reimbursed for any loss of earnings, for travel and certain other types of expenses that they may incur. Relatively few councillors, however, claim a reimbursement. The number of members that

claim a reimbursement varies with the party affiliation of the member. Maud recommends that a scale of salaries for members be established by the national government.

Statements made or opinions formed

43 The essence of representation by councillors in England was expressed to be as follows: *the councillor lives among the people, knows the people, is available to listen to the people's problems and brings these problems and his knowledge to the chief officers, the chairmen of the committees, the committees and the council – he knows the people's problems*".

44 There is a strong opinion that the degree of representation must be "adequate" to the "democratic" needs of the people – and that there must be a high voter-councillor ratio.

45 On more than one occasion, the opinion was expressed that the councils are "legislative" bodies composed of two elements, namely, an "executive" element and an "ombudsman" element. The executive element is few in number; includes the natural leaders and the highly trained persons, while the ombudsman element is large in number, are the followers and the "ordinary folk".

46 Both members and officers expressed the opinion that the number of members on the councils is larger than is required for the purposes of either representation or decision-making. It was significant to note, however, that the members and officers were of the view that the size of Windsor, Ontario's council, for instance, would be "unacceptable" were it an English authority.

47 There is a widely held opinion, in England, that the role of the members of the council must be "meaningful" and that there must be significant "work" available for assignment to each member. However, because of the large number of councillors and aldermen, it is difficult, often, to provide "work" for all of the members and to reconcile the demands of the members to participate in the "work" of the authority with the demands of efficient management. The demands of "democracy" and the demands of efficiency are in conflict.

48 Few councillors see their role as that of legislator or of policy maker. Few are capable of "restricting" their role to these functions (often abstract and difficult). Most councillors see themselves as administrators. Most prefer to "dabble" in administration (often concrete and easier). Many consider their duties to be in the nature of a hobby. Therefore, they have difficulty in understanding, for instance, the benefits to be derived from the appointment of a management committee.

49 By Ontario's standards, the councillors are not overworked.

50 Generally speaking, as in Ontario, the industrialist, the managerial class, the professional classes and the highly-skilled person does not contest the office of councillor. On many occasions the opinion was expressed that the "quality" of the councillors was not "high".

51 The comment was made that many members of the public, will take a matter, such as a problem with regard to housing accommodation, to the local member of parliament rather than to the councillor for the area – the member of parliament is better known and, often, he is of more service.

52 *Perhaps, the most significant difference between the decision-making processes of an average English council and of an average Ontario council is that the English council makes its decisions in private, while the Ontario council makes its decisions, with few exceptions, in public.*

53 Members of the public are not permitted to address either the council, itself, or any of its committees. The citizen's access to the local authority is provided, usually, by an employee, an officer or a councillor. If the citizen needs special consideration, a meeting may be arranged with the chairman of a committee. Sometimes the citizen's problem may require a meeting of the leader of the council, the chairman of the committee concerned and the chief executive officer.

54 The opinion was expressed that, while most council meetings are held in the evening, the most successful meetings are held during the day time.

MANAGEMENT COMMITTEE

A description

55 The functions of Maud's management board and the response of some of the larger urban, and the more "management-oriented", of the local governments, have been summarized in paragraph 29. An understanding of Maud's management board is essential if one is to understand Maud.

56 Maud had recognized that there was no systematic attempt, at the committee level, to develop and co-ordinate the policies of the local authorities and, therefore, there was a great weakness in central management. Policy to a very great degree was, and is, established in the individual service committees with a minimum of authority-wide co-ordination. Therefore, *Maud's idea was that the council should delegate almost all of its forward planning and executive powers, not to a series of service committees, but to a single management board and to keep the committees free to examine and to review the various duties assigned to the council by the central government and any matter referred to them by the management board.* (The functions of the committees would be similar to the functions of the policy committees in Western Canada's council-commissioner system.)

57 The local governments, while recognizing the need for a much greater degree of co-ordination and for a much greater "unity" in the work of the authorities, have not accepted Maud's idea that the service committees be deliberative only and that a single committee be delegated responsibility for the execution of most of the council's executive duties.

58 It is argued by the local authorities that the concept of Maud's management board

- (a) conflicts with the concept of the collective responsibility of the councillors,
- (b) assigns an undue concentration of power to a single committee,
- (c) is "undemocratic",
- (d) gives rise to the danger of a division of the councillors into two groups, namely, members "on" the management board and the rest of the members — a situation that would lead to discontent and frustration on the part of those councillors that are not on the management board (similar to the division of the councillors in Ontario's council-board of control system), and
- (e) results in councillors of the required calibre being discouraged from serving on the council.

59 Despite the rejection of Maud's idea of a management board, there has been a widespread acceptance by the councils of the need for changes designed to establish a "general oversight" of the council's policies and a much greater co-ordination between the service committees — without changing, fundamentally, the powers delegated by the council to the service committees. The local governments that appear to be most concerned with the problems of management appear to be establishing a type of central policy co-ordinating committee with powers similar to those that are outlined in paragraph 29.

60 Because of the relationships between policy, planning, priorities, financial control, co-ordination and general management, the "ideal" policy committee has been delegated the responsibility to develop and to recommend to the council all major policies, plans, priorities and controls.

61 The "ideal" policy committee includes the leader of the majority party in the council, the leader of the minority party, the chairmen of the service committees and the other leading members of the council.

62 The Greater London Council's Report, with regard to the desirability of establishing Maud's management committee, is typical of the reaction of the larger authorities to this aspect of the report.

63 The Greater London Council took the position that it was the council's duty to ensure that members feel sufficiently involved in the work of the council to maintain their interest and to satisfy their desire to serve their constituents and that *"the system must ensure that members, not only know what is going on and are able to question, criticize and debate in public, but they must be able to influence policy making. To make this possible the structure must provide sufficient committees each with enough to do and with worthwhile powers and duties. In a combined planning and managerial body on Maud Committee lines, the day-to-day pressures for decision-making would inevitably demand first place for the exercise and co-ordination of executive powers"*.

64 The Greater London Council took the position that *"– the council has two different roles which are inevitably closely connected – one is to provide a forum for the discussion and settlement of policy on long-term planning – the other is to carry out the extensive executive responsibilities of the council"*.

65 In the council's view, *the best solution is to accept the need for two different kinds of committees, one of a mainly deliberative character concerned with forward planning and policy and the other primarily concerned with ensuring that the executive responsibilities of the council are discharged quickly and efficiently"*.

66 The Greater London Council further took the position *"to have executive committees with wide delegated powers working within such a framework, is a more efficient system for the council, as well as being more satisfying to members, than the system of tight control provided by a management committee"*.

67 As the result of the application of Maud's recommendations to the council's committee structure, the following is a brief summary of the revised committee structure that has been established by the Greater London Council – it is essential to remember, of course, that the Greater London Council serves a very large population, however, the principles behind its committee structure are representative of that of the larger local authorities.

(a) Forward Planning Committees

- Policy Steering Committee – the assessment of medium-term and long-term objectives for all the council's services, with broad financial planning and with the allocation of resources, including manpower
- Strategic Planning Committee – supervise the preparation of the Greater London Development Plan, incorporating medium-term and long-term planning relating to those aspects of physical planning for which the council is responsible.

(b) Executive Committees

- Arts and recreation committee
- Establishment committee
- Finance and supplies committee
- General purposes committee
- Housing committee
- New and expanding towns committee
- Planning and transportation committee
- Public services committee
- Thamesmead committee

(c) Special Committees

- Leader's Co-ordinating Committee – an unofficial co-ordinating policy group of leading members of the majority party on the council, to be known as the Leader's Co-ordinating Committee, which would deal with items of policy co-ordination in a regular way. This committee does not report directly to the council (officials are authorized to attend meetings of this committee).

- Scrutiny Committee — investigating from time to time the working and activities of the council
- Special committee on procedure
- Staff appeals committee

Statements made or opinions formed

68 Most of the officers and members that were interviewed were of the opinion that, because of the very wide range of local services for which the English council is responsible, there is too much knowledge to be acquired and too much detail work to be done for Maud's management board to be workable.

69 A policy committee of the type that is evolving will be effective, indeed, if it is delegated the power to recommend to the council the current budget, the capital budget, taxation and borrowing policies and land use control and if the policy committee is delegated the council's power in other strategic areas, such as financial and personnel management.

70 The policy committees that are being established in England

- (a) are representative of all of the members of the council and directly accountable thereto,
- (b) are an effective committee for the initiation of policy, and
- (c) are in accord with the modern management concepts.

71 It is to be re-emphasized that *both Royal Maud and Wheatley supported, very strongly, Maud's recommendation that a strong and effective co-ordinating and initiating policy committee be established in the council.*

72 One of the chief reasons advanced for the resistance to Maud's idea of a management board has been the need to apportion some of the "work" of the authority to each member of the very large councils. This was one of the prime arguments advanced by the Greater London Council in its reactions to Maud's board. If Maud's recommendations were to be accepted, a "meaningful role" would not be available, in the opinion of the Greater London Council, to many of the members.

73 However, many of the members who serve on the service committees, are parochial in their attitudes and do not wish to see any of their powers transferred to, or restricted by, the powers of a policy committee.

74 Since relatively few councillors are familiar with the theories and the benefits of modern management, it is difficult, indeed, to convince the councils to establish a committee structure that is based on a sound grasp of the fundamentals of decision-making and administration.

75 Of the councils that have resisted the establishment of a policy committee many have recognized Maud's criticisms, partially, by strengthening the powers of an existing committee such as a finance committee or a general purposes committee. However, many such councils have resisted, very strongly, the suggestion that the committee to be strengthened be renamed the "management committee". These members want to be as autonomous as is possible. They do not wish to be reminded that the council has established a policy committee, with a degree of control over the decisions of their committee.

76 Some of the councils that have moved, with reluctance, to strengthen an existing policy committee (without being prepared to establish a fully-effective, co-ordinating and initiating committee) have supported the service committees' wish to continue to present their reports directly to the council and have withheld from the policy committee the authority to advise the council with regard to the service committees' reports.

77 In connection with this discussion, it is to be noted that

- (a) *Ontario's board of control are not authorized in The Municipal Act to advise the council with regard to the reports of the standing committees of the council. (Most of the councils, but not all, have granted this right to the board of control.), and*

- (b) *some of the arguments against the establishment of Maud's management board are, essentially, arguments for the abolition of Ontario's board of control.*

SERVICE COMMITTEES

A description

78 Delegation of power by the council to committees is fundamental to England's system of local government.

79 The opinion was expressed, frequently, that the committee system is difficult to co-ordinate and that it is fragmented, time-consuming, costly and wasteful. The system, to operate effectively, consumes much of the time of both the members and the officers.

80 Maud states *"The association of each service with a committee, and with a department and a principal officer, produces a loose confederation of separate activities, disperses responsibilities and scatters the taking of decisions. It is often unintelligible to the public. Leadership and responsibility in the authority cannot be easily identified and the co-ordination of thought and work is made more difficult"*.

81 One of the most senior officers that was interviewed expressed the opinion that *the British local government system has been based firmly on the committee system and the problem has been to reconcile the need of elected representatives for an "adequate" role and, yet, to administer the local authorities' affairs efficiently and in a streamlined fashion.*

82 As indicated earlier, most of the councillors have not accepted the degree of delegation to a single policy committee that was recommended by Maud. However, *the councillors are tending to accept "the need for a strong management board to co-ordinate the whole range of the activities of the council". They are insisting upon "retaining standing committees, invested with the executive power to manage the service for which they are responsible, with the duty to report to the council on the discharge of their duties but, on major issues of policy or on new schemes involving a capital expenditure, the standing committees are being required to report to the management board – it is the responsibility of the management board to ensure that any new proposal of a standing committee is not in conflict with another activity of the council"*.

83 The reaction of the councillors of many of the local governments has tended to lead to a re-definition of the role of the service committees along the lines outlined in paragraph 29 of this chapter.

84 Much effort has been directed, by the more management-oriented of the authorities, to the development of a committee structure that parallels the organization of and the nature of the service departments. Minor departments are being grouped under a single committee. The most common committees of the councils are (a) finance, (b) education, (c) housing and (d) social services.

85 Because of

- (a) the wide range of local services that have been assigned by Parliament to the local councils,
- (b) the large number of councillors and aldermen and the need to assign "meaningful work" to each of them, and
- (c) the practice of the councils to delegate almost all of their executive powers to service committees,

the number of service committees, by Ontario's standards, is very large, indeed. Prior to Maud, the establishment of 15 or more committees was common. Maud recommended that the number of service committees be "drastically reduced" – to about six. A substantial reduction in the number of committees is being made by many of the councils.

86 Some of the councils have achieved a significant reduction in the time required of the members for attendance at committee meetings by a thorough study of all of the factors involved, i.e. the committee structure, the officer's duties, the "attitude" of the council to management and to delegation, etc.

87 A reduction in the number of committees, raises the problem of coping with the very large number of councillors and aldermen. One report that was examined states *“if the number of committees is reduced, then the size of the committees must be increased so that every member may take his share of committee work”*.

88 An interesting observation with regard to the relationships between the size of the council and delegation to committees was made in a report, namely, *“the larger the service committee, the less is the risk that the decisions to be taken within the delegated powers of the committee will be taken by a few members of the council”*.

89 Another result of the large number of members on the committees is that a member is required to restrict his participation in the affairs of the council to those matters that are assigned to two, or perhaps three, of the committees (one of the major arguments for the retention of the “unity” of the council).

90 *It is to be noted, particularly, that the service committees, in the exercise of the powers delegated to them, do not report the detail of their activities to the council. They make executive decisions within their delegated powers and within the general policies of the council. They maintain their own minutes. They enter into contracts. They engage senior officers, etc. A service committee, subject to the general policies of the council, such as those set forth in the current budget, the capital budget, etc., is fully responsible for the management of the affairs of a service or department of the authority.*

Statements made or opinions formed

91 The committee system is the key to, and the essence of, England’s system of local government.

92 Because of its significance, it is almost impossible for the members and the officers to allocate too much time to the review of the committee system and to the introduction of changes designed to improve its effectiveness.

93 If the committee structure is

- (a) in the hands of an effective local political group, with competent, experienced, chairmen,
- (b) served by well-trained and experienced officers, and if
- (c) the attitude of the council to delegation to the members and to the officers is as recommended by Maud,

the committee system serves local governments very well indeed. *A well-run political group is the “oil” that can make a cumbersome committee system tolerable.*

94 One of the hazards of the committee system is that the members tend to talk too much. It is difficult, indeed, for a chairman to limit talk. One of London’s boroughs, Sutton, reported an excellent type of control. The council stipulates the duration of the meetings of its service committees. The committees are not delegated the authority to extend the duration of meetings. Business, therefore, must be conducted within the time specified by the council. The device ensures that the committees manage their time. The arrangement is very successful.

95 It is interesting to note that, *in England, the central government delegates responsibility for local services to the local governments, the councils retain ultimate power and control and delegate the executive responsibility for the management of the services to committees of the council; whereas in Ontario, the province, in the delegation of responsibility for local services, diffuses the responsibility for the management of the services among municipalities, school boards and other local boards and agencies. In England, there is a much higher degree of unity in the responsibility for local services than there is in Ontario.*

CHIEF EXECUTIVE OFFICER

A description

96 Each of the committees and royal commissions recommended that a chief executive officer be appointed by the council.

97 Mallaby talks of the clerk being *“recognized as the head of the paid service, that he should have authority over all other heads of departments as far as this is necessary for – the execution of the council’s functions”*. Maud recommends that *“the principal officers be responsible to the council through the clerk”*. Royal Maud recommends that *“each authority should have a clerk or a chief executive who should be the official head of its staff. The clerk should be chosen solely on the grounds of his ability and the post should be open to members of all professions including the lay administrator”*. Wheatley’s Scottish report goes much further and states that **“SO CLEARLY ESTABLISHED IS THE NEED FOR A CHIEF EXECUTIVE OFFICER IN EACH AUTHORITY THAT WE RECOMMEND THAT THE APPOINTMENT BE MADE MANDATORY”**.

98 *The local governments are moving toward the acceptance of these recommendations and to the establishment of the office of chief executive officer.*

99 In many authorities the clerk has been responsible, traditionally, but informally, for the co-ordination of administration. However, because of

- (a) the limited statutory authority granted to the clerk in the role of the chief executive officer,
- (b) the wide range of services for which the authorities are responsible and the diffusion of power that arises from the historic committee system,
- (c) the practice of requiring that the chief officers report to the service committees, rather than to a chief executive officer,
- (d) the fact that many of the duties of a chief executive officer are performed by the party system and by the chairmen of the service committees,
- (e) a lack of the councillors’ and the officers’ exposure to, and knowledge of, the principles of management,
- (f) the professionalism of the chief officers,
- (g) the reluctance of many clerks to take the decision to exercise a larger role and to increase their duties, and
- (h) the fact that the direct, day-to-day working relationships between national government officers and local chief officers, have made co-ordination difficult,

the clerks in England have not acted, in the past, as chief executive officers.

100 The clerk, in many authorities, is now being called “clerk and chief executive officer” and, in some cases, merely “chief executive officer”. The duties of the clerk are being increased to include, not only the co-ordination of the departments but, also, the responsibility to ensure that the council’s functions, as a whole, are organized properly and that they are efficient and economical. The clerk’s duties, sometimes, include advising the council on all major questions of organization, staff, management and the assignment of responsibility for functions to departments.

101 It is difficult to determine the extent to which the clerks, at the present time, are securing the integration of all planning and of all forward policy-making within the authority. The degree to which the clerks are able to secure integration depends, very largely, upon the personalities and abilities of the chief officers and the amount of co-operation and understanding that they are able to develop among the chief officers.

102 In order that the chief executive officer be not burdened with time-consuming “line” duties, some of the larger authorities are moving to relieve him of responsibility for the administration of any department, including that of clerk or solicitor. This trend is in accordance with the National Municipal League’s council-manager philosophy.

Statements made or opinions formed

103 The chief executive officers who have been appointed in England are far from being fully effective. Most have not gone beyond the function of co-ordination. Few have moved into the more sophisticated areas of initiation of policy, forward planning, etc.

104 In even the most management-oriented of the authorities, the chief executive officer will have very little direct contact with financial management and control; he will not participate, to any degree, in the budgetary processes; yet, these are the essential “tools” of a chief executive officer.

105 The chairman of the finance committee of the council exercises powers with regard to the preparation of the annual and capital budgets that are similar to the powers that are exercised by the municipal manager under the council-manager system. The chairman’s powers, unlike the manager’s, do not arise, of course, from the law, but from the power that he exercises in the council because of the workings and the discipline of a system of local politics. Because of the powers granted to the chairman by the caucus of his party, and because of the caucus’ ability to arrive at conclusions rapidly, the treasurer’s task of controlling the preparation of the budget is made very much easier than is the task of the treasurer in Canada. The major difference between the power of the English chairman of finance and an American municipal manager, insofar as the budgetary processes are concerned, is that the chairman is in a position to deliver a decision to the treasurer, whereas the manager is not – the manager may give the treasurer a decision, but the decision is subject to the vote of the majority of the council.

106 The opinion was expressed that the office of the chief executive officer exists on paper only; the office does not exist in practice; the idea of a chief executive officer is recent, the assignment is difficult; the chief officers have resisted the idea. The concept of the chief executive officer will not be accepted in practice, generally, until after the retirement of many of the chief officers who are in office at the present time. However, it was generally agreed that, as the use of modern management principles in local government increases, the concept of a strong and effective chief executive officer will be accepted by the councillors, the officers and the public.

107 A very interesting development in England is the decision of some local authorities to make the office of chief executive officer available to members of professions other than that of the legal profession. (Historically, the clerk in England has been a solicitor.) Accountants, engineers and executives from the private sector are being appointed in the larger authorities to this new and difficult office.

ENGLAND’S REACTION TO THE COUNCIL-MANAGER SYSTEM

108 There is an almost complete rejection in England of the American council-manager philosophy. For instance, Maud dismisses the system, without adequate study and with unwarranted abruptness. The rejection of the manager is based upon a number of factors, namely:

- (a) the tone of much of the American literature on the council-manager system has given the English the impression that the manager is an “all powerful boss”; the English are much more inclined to the view that the chief executive officer’s role, essentially, is that of co-ordinator, “a team leader”, with much less emphasis on executive power;
- (b) the impression in England is that under the council-manager system the manager is in a position to dominate the council and the chief officers are subservient to him;
- (c) there is a lack of knowledge and understanding in England of the council-manager system, as it works, in practice, in the United States and as it has been modified in other jurisdictions, such as in Ontario’s council-CAO system;
- (d) because of the very wide range of the responsibilities of the English councils, the role of chief executive officer in England encompasses many more duties than it does in the United States and, therefore, the nature of the role of the manager in England would be difficult, i.e. span of control;

- (e) the local political party groups have tended to assume some of the co-ordinating role of a manager and, therefore, they have reduced, partially, the need for an effective chief executive officer; and
- (f) the historic tendency of the English councillor to “dabble” in administration of the local authorities tends to encourage him to resist changes that are designed to increase administrative co-ordination at the officer level.

109 However, in spite of these factors, the current trend in England is to appoint chief executive officers in order to co-ordinate the efforts of the chief officers and to establish, and to maintain, a system for the control and monitoring of the local authorities' affairs. This trend has been influenced, greatly, by the development of, and the acceptance of, the council-manager system in the United States and elsewhere.

CHIEF OFFICERS GROUP

A description

110 A chief officers group has been established by some of the more management-oriented of the larger local authorities. The duties of the group (see paragraph 29) are to assume responsibility, jointly, for the reports and recommendations to the council with regard to new policies or the revision of existing policies and, also, to facilitate the co-ordination of the work of the officers. The chief executive officer is the chairman of the group.

111 Since

- (a) the chief executive officer is the chairman of the group,
- (b) the members include senior officers, and
- (c) new policies and changes from existing policies are submitted to the group for discussion and comment prior to being submitted to a service committee or to the policy committee,

the officers' group will be the focal point for the development of proposed policies of the council and for the execution and administration of policies after they have been adopted by the council.

112 If the chief officers group is to be effective, every recommendation to the council, of a policy nature, must be submitted to the group for study and comment before it is submitted to the council.

113 The following are some of the arguments that are advanced to support the establishment of a chief officers' group.

- (a) The alternatives before the council are identified and studied by an inter-disciplinary group.
- (b) The quality of decision-making is improved because the group includes a number of disciplines – legal, finance, engineering. Therefore, the decisions are better and are made more rapidly.
- (c) The establishment of such a group facilitates the development of integrated forward planning and efficient co-ordination and control.
- (d) In the larger authorities, it is generally conceded that, because of problems related to span of control, the establishment of such a group is almost essential if the efforts of the chief officers are to be co-ordinated and effective.
- (e) Management of the council's policies becomes the joint responsibility of a team of chief officers, acting under the leadership and the chairmanship of the chief executive officer.
- (f) The group tends to foster good officer and member-officer relationships.

114 In some cases a chief officers' group is established but because of (a) a reluctance on the part of certain of the members or officers to accept effective co-ordination, (b) the number of chief officers appointed to the group or (c) the restricted nature of the duties assigned to the group, the group is much less useful than it could be.

115 To cope with the problem of span of control, in certain authorities, two levels of officers are sometimes established, namely, chief officers and heads of departments. There may be three or four chief officers who report to the chief executive officer and fifteen or more heads of departments each of whom reports to one of the three or four chief officers.

Statements made or opinions formed

116 There has been a noticeable change in emphasis on the appraisal and the improvement of the decision-making processes. Immediately after the release of Maud's Report, there was a concentration on the need to centralize power and decision-making in the local authorities. More recently, there is an increasing awareness that (a) the British local authorities comprise a number of varied and distinct services; (b) the authorities are large-scale administrations and (c) there is a danger that the pendulum is swinging, perhaps, too much in favour of central management, without sufficient thought being given to the nature of the organization and the areas within which co-ordination is desirable and possible. Because of this awareness, there is a new emphasis on developing a management process under which the various areas of the authority respond to a co-ordinated management approach that is based upon a team of chief officers who advise the members of the council but, with executive powers and initiative for the individual local services remaining with the service committees and the chief officers.

117 *The need for a chief officers group in the larger authorities is acute. However, in the smaller authority, the chief executive officer is quite capable of performing the role of such a group.* A type of chief officers' group is employed in the City of Kitchener's decision-making processes.

CHIEF OFFICERS

A description

118 Historically, the chief officers of the local authorities in England report directly to one of the council's service committees and not to a chief executive officer. In a large authority, there may be as many as 15 to 20 committees and, therefore, 15 to 20 chief officers.

119 Because of the very wide range in the knowledge requirements of the many services provided to the public by the councils, the professions of the chief officers are varied – these include law, accounting, finance, education, engineering, medical, social work, etc.

120 Traditionally, each of the committees has tended to be independent-minded and to be subject, to a minor degree only, to the constraints of centralized control and co-ordination. It was this lack of central control and co-ordination that Maud identified and that caused him to recommend that much more effective methods of decision-making be developed and be installed in the local authorities.

121 As described elsewhere in this chapter, as the result of Maud's recommendations the authorities are moving, relatively rapidly, to appoint chief executive officers with the power and duty to co-ordinate, lead and control the development of recommended policies, etc. The development of chief officers' groups is a further attempt to cope with problems related to co-ordination and span of control in organizations where the chief officers may number from 15 to 20 and where these officers represent many different professions.

122 Conflict of opinions between members and chief officers arise in private, only, because the meetings of the council's service committees are held in private. The public is not informed of the officers' opinions. The only opinions that reach the public are the opinions of the members. The officers are encouraged by the members to contribute, actively, to the private and the informal discussions that take place in the service committees' meetings.

123 Contacts between the officers and the members tend to be "correct". The officers maintain a professional position independent of the local political party groups. Except for matters that are delegated specifically to a chairman, a chief officer accepts instructions only from a committee and in certain circumstances he accepts instructions only from the council itself.

124 One of the results of the practice of the committees to delegate power to their chairmen is that a close working relationship, between the chairman of a committee and the chief officer of the department that reports to the committee, is essential. This relationship, depending upon the personalities of the member and of the officer, may range from very satisfying to very difficult. If conflict arises in this area, the local party groups have discovered that, usually, "it is much easier to transfer a committee chairman than it is to transfer or discharge a chief officer".

Statements made or opinions formed

125 On the basis of many conversations and the examination of many studies, it is apparent that the chief officers of England's local authorities are in many cases extremely well qualified indeed. The officers have developed strong and responsible national professional associations. *These associations were responsible to a great degree, for instance, for the appointment by the national government of the Mallaby, Maud, Maud and Wheatley committees or commissions.*

126 The officers are expending much energy and allocating much time to the elusive problem of applying modern management science to local government.

127 Reports by chief officers with regard to the internal re-organization of the council, the officers and the departments have been examined. Standing orders, statements of the powers and duties of committees, finance control regulations and minutes of committees and councils have been studied. The quality and the sophistication of these documents are impressive, indeed. *They disclose a degree of officer skill much beyond that which has been achieved in Ontario.*

128 The officers are extremely hospitable and they are anxious to assist other persons who wish to secure an understanding of their technical and administrative achievements.

129 The chief officers are supported in their duties and responsibilities by many more qualified persons than are the chief officers in Ontario. For instance, in a community of 175,000, West Bromwich (located on the west side of the great industrial City of Birmingham) the treasurer's staff included 14 members of the Institute of Municipal Treasurers. In an Ontario municipality of a similar size the treasurer would be fortunate if his staff included a single professional accountant.

130 An enquiry was made concerning the availability of sufficient work of a professional nature in the office of the treasurer to warrant the employment of so many persons with professional qualifications. The opinion was expressed that, since individuals with technical training were not available, the only way in which the treasurer could ensure that his duties were carried out was to engage professional accountants. It was interesting also to be informed that because of the nature of the community (an extremely unattractive heavy industry area) the existence of nationally-negotiated earnings and the authority's inability to offer special inducements, it was very difficult to attract qualified persons to the service of the municipality. Ontario has shades of the same problem.

131 The responsibilities of the chief officers exceed those of chief officers in Ontario because, in England the council and its committees delegate executive power very extensively to the chief officers. The chief officers are left, therefore, with the responsibility of exercising this power to the satisfaction of the members of the council and of the committees.

DEPARTMENT STRUCTURE

132 Because of the many services for which the local authorities are responsible, the councils have established a large number of departments. The range of these services is outlined in paragraph 5.

133 Maud recommended that the "local authorities should examine their departmental structure with a view to a drastic reduction in the number of separate departments". He expressed the opinion that the "service committee, principal officer and department tended to be interlocked and self-contained".

134 The local authorities have found it to be difficult, indeed, to alter departmental structure. Many authorities have studied the problem. Some have combined departments where the case for consolidation, for one reason or another, was obvious. However, few authorities have put into effect the wide, sweeping and more rationalized type of departmental structure which Maud had in mind.

135 The structure of the departments has not been changed for many reasons, including the following

- (a) a lack of leadership and a lack of an appreciation of the benefits that would result from a simplified and a rationalized departmental structure,
- (b) a lack of modern office and other accommodation that is designed to facilitate efficient and economical administration, and
- (c) problems associated with the officers, the terms of their service, their resistance to change, their resistance to the assumption of additional or altered duties, different reporting relations, age, approaching retirement, personalities, etc.

CENTRAL GOVERNMENT—LOCAL GOVERNMENT RELATIONSHIPS

136 The members and officers that were interviewed were unanimous in the opinion that the central—local relations left much to be desired. The essence of the relationship is related, of course, to the nature of the problems that are inherent in the two-tier, central-local, superior-inferior systems of government.

137 However, much of the strong feeling is related to the attitude of the members and the senior officers of the national government to the problems, and particularly to the organization and to the management problems, of the local authorities.

138 For instance, few of the officers of the Ministry of Housing and Local Government have secured administrative experience in the employment of local government. Few of these officers possess detailed practical and first-hand knowledge of the day-to-day problems of the local government officers and, therefore, they do not disclose an awareness and an understanding of the local implications of many of their instructions and demands.

139 Little respect and admiration was detected for the knowledge and perception of the ministry's officers. Much criticism was heard such as "they are great for 'pettyfogging' detail". Such comments came from very experienced and senior local officers.

140 Those responsible for the itinerary were of the opinion that local government chief officers and professors, with chief officer experience (i.e. Dr. A.H. Marshall of the Institute of Local Government Studies at the University of Birmingham), would be of much more assistance in attempting to secure a "feel" for local government's decision-making processes than would the officers of the ministry.

CONCLUSIONS

141 *English local government has been wonderfully served in recent years by royal commissions and committees (Mallaby, Maud, Maud and Wheatley) and by all of the members, officers, professors and others who participated in the work of these great studies. Much has been accomplished. Much remains to be done.*

142 *The reconciliation in England of the two great dilemmas of local government, namely*

- (a) *the conflict between the demands of the "democratic" element and the "economic" element, and*
- (b) *the relationships between the local authorities and the central government,*

will be difficult, indeed.

143 *However, the reports of the committees and the royal commissions and the public debate that has ensued from their publication, have given the people of England an opportunity to*

appraise the roles of their local governments and their central government and to commence the long task of reforming the pattern and the character of the local governments to

- (a) perform a wide range of tasks for the safety, health and well-being of their people,*
- (b) attract and hold the interest of their voters and citizens,*
- (c) develop enough inherent strength to deal with the central government authorities, and*
- (d) adapt to the unprecedented processes of change in the way people live, work, move, shop and enjoy themselves.*

144 If this historic opportunity is to be exploited to the advantage of the people of England, its decision-making processes must be effective and the leaders of all sections of its society must become actively engaged in and committed to the reform of its governmental institutions – both national and local.

145 The following features of England's system of local government should be adopted in Ontario

- (a) the Ontario councils should be authorized and encouraged to delegate certain of their powers to officers, and*
- (b) the powers of many of Ontario's special purpose authorities should be transferred to the council.*

146 The following trends in England's system of local government should be promoted in Ontario

- (a) modern management techniques should be studied and applied to the decision-making processes in the municipalities,*
- (b) the management processes of the municipalities, including co-ordination, forward planning, financial and other controls, should be strengthened,*
- (c) a system of standing committees of the council should not be established except in the largest of the municipalities and, if a system of committees is established, their activities should be confined to the establishment and revision of policy, they should be as few as practicable, and their duties should be assigned on a functional basis that relates logically to the departmental structure,*
- (d) a chief administrative officer with effective decision-making powers and administrative duties should be appointed by every municipality in Ontario,*
- (e) a chief officer group, with the chief administrative officer as chairman, should be established in the largest of the municipalities in order to co-ordinate the municipality's administrative processes, and*
- (f) the number of departments should be reduced – their responsibilities should be assigned on a functional basis.*

147 TE&IA should allocate funds to secure the services of a few persons with training and experience to head up a program that provides leadership and assistance to the municipalities in the application of modern management techniques to the decision-making processes.

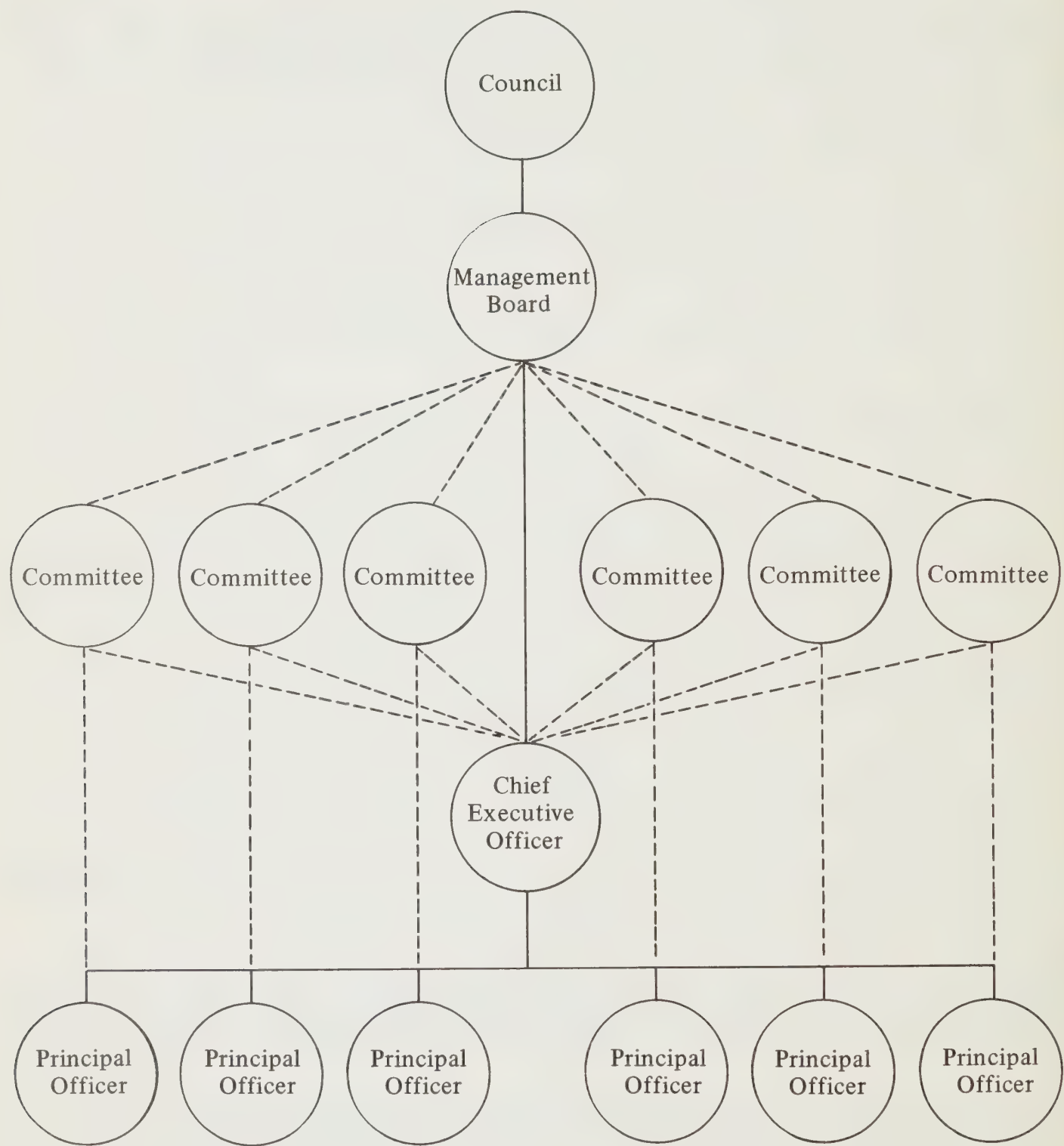
148 TE&IA should study the report of the Committee on the Staffing of Local Government (Mallaby) and determine the desirability and the practicability of introducing some of the recommendations of this committee in Ontario (recruitment, career prospects, selection procedures, training, use of staff, mobility of staff).

149 TE&IA should ensure that some, at least, of the ministry's officers have acquired experience in the service of one or more of the Ontario municipalities.

150 TE&IA should mount a major program to involve the public in a examination of the decision-making processes of local government in Ontario.

Table A

Royal Commission on Local Government in England
ORGANIZATION OF THE COUNCIL
Maud's Management Board

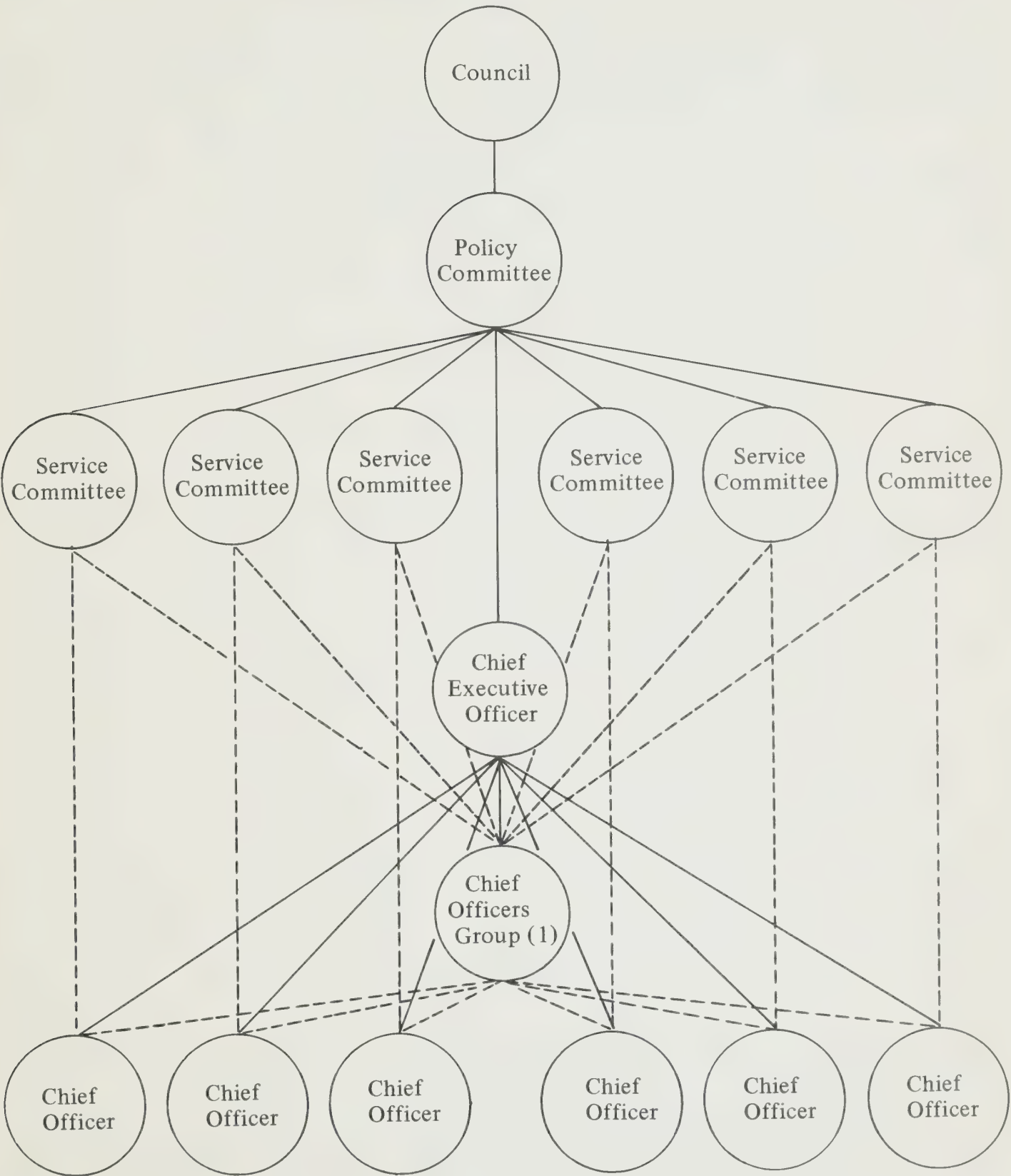


Notes:

- line of command
- - - - - line of contact and advice

Table B

ENGLAND'S MOST "MANAGEMENT ORIENTED" LOCAL AUTHORITIES
organization structure



Notes:
(1) chief executive officer, treasurer, engineer, other officers as needed
——— lines of command
----- lines of contact and advice

Local Party Politics in England

INTRODUCTION

- 1 The correspondence, study and interviews upon which the previous chapter is based provided an excellent opportunity to enquire into England's system of local party politics and to secure the benefit of the opinions of knowledgeable and experienced persons with regard to the effect of the system on the decision-making processes of the local governments.
- 2 The chapter commences with a brief outline of the characteristics and the organization of the local political groups. The impact of local party politics on the workings of the council and of the committees is described. The key role of the chairmen of the committees is emphasized. The caucus of a local party group is discussed. Comment is made on the general policy differences between the local political groups. The relationships between the officers and the members of the groups are described.
- 3 The public's attitude to local party politics, and the reasons for and against such politics, are outlined in considerable detail.

CHARACTERISTICS OF LOCAL POLITICAL GROUPS

- 4 The political groups that function at the local government level maintain an affiliation with the great national political parties – Labour, Conservative and, in some of the centres, other national parties. The national parties exercise leadership, influence and guidance over the local political groups because the local governments are the creatures of the national government and, also, because of the human, financial and other resources of the parties. The influence may be particularly strong with regard to local issues that have nation-wide implications. The national parties provide the members of the local groups with a wide range of advisory services that are designed to assist the groups to function effectively. However, to the extent practicable, the local political groups resist the direction of the national parties and attempt to maintain their independence.
- 5 Tension and friction arises, frequently, between the members of the national parties and the members of their local affiliated groups. These stresses arise directly from the fact that the powers of the local governments are derived from the central government. The members of the central government and the national civil servants control, direct, influence and, in some cases, supervise the manner in which many of the programs and the services of the local authorities are administered. The relationships are those of a superior to an inferior. In addition, because of the numerous and extremely complex inter-relationships between the central and the local governments, the public is not aware of "who is responsible for what". National responsibilities and local responsibilities are extremely difficult to identify and separate. Therefore, the accountability of the local members of parliament, and the accountability of the local councillors, to the local electors for many of the local issues and problems is obscure and vague.
- 6 In these circumstances, it is reasonable to assume that the members of the local political groups are faced, continuously, with the need to discuss the problems of the local authorities with members of their affiliated national political party at Westminster and to seek their guidance and assistance. Differences of opinion arise. Conflict frequently ensues.
- 7 One of the more interesting comments of the Committee on the Management of Local Government (Maud) on the topic of local party politics was the comment that "*the almost apologetic attitude of many Conservatives when discussing the existence of their party caucus, and the reluctance of some of them even to use the party label, seems to be symptomatic of a guilty feeling that party politics is inappropriate to local affairs. In the main, it is the members*

who belong to the Labour Party who support the system wholeheartedly, on the grounds that it enables the electorate to know for what they are voting and ensures a consistent direction of policy”.

8 With regard to the voter-councillor relationships, the committee makes this surprising statement *“nearly one-third of all councillors, however, had personal contact with four, or fewer, electors during the four weeks before the interview, or less than one a week. Only seventeen percent of the electors had ever met a councillor and not more than six percent of the electors said they had done so during the last year”.*

ORGANIZATION OF LOCAL POLITICAL GROUPS

9 The decision-making processes of the great majority of the local authorities (75 percent to 80 percent) are controlled within a system of local political groups. Such control is invariable in the case of the large urban authorities; is usual in the case of the smaller urban authorities; is rare in the case of the rural authorities.

10 Although the exercise of the legislative, executive and administrative powers of the local authorities lies, legally, within the formal structure of the council, the committees of the council and the officers of the authority, the effective control of these powers is exercised within the structure of the local political groups. A majority party controls the decision-making processes of a local authority because of its control of

- (a) the majority of the seats on the council,
- (b) the office of the mayor,
- (c) the office of the leader of the council (the leader of the majority party and, frequently, the chairman of the policy (executive) committee),
- (d) the chairmanship of the service committees, and
- (e) the membership of these committees.

11 The office of mayor in England is ancient and historic. The office is accepted and respected by the local people. The chief duties of the mayor are associated with the chairmanship of the meetings of the council, public hospitality and ceremony, and a wide range of other public and social functions.

12 The mayor is not the leader of the council. The mayor is not concerned with the exercise of the local authority's powers. The authority's powers are exercised within the system of local political groups.

13 The mayor is selected by the members of the majority party from the members of the council – usually, he is a member of the majority party. Selection is based upon factors such as seniority, personality, acceptability to the public and other similar factors. If the majority party has been in power for some time, and if its control of the council is firm, the members of the majority party may select a suitable member of the minority party to be mayor. Traditionally, the member who is selected to be mayor withdraws from local political activities during the term of his appointment.

14 The essential organizational task of the majority party is to select from among its members a leader of the council, a chairman for each of the service committees and to assign the remainder of its members to the committees on the basis of their abilities, interests and wishes.

15 The most influential member of the majority party is the member who is selected to be the leader of the party. The leader of the majority party becomes the leader of the council and, if there is a policy (executive) committee, he is selected, usually, to be the chairman of the committee.

16 Usually, the majority party will select the members of the policy committee, exclusively, from its own members. However, in an occasional authority, the majority party may permit the minority party to nominate a member. Similarly, the chairmen of the committees are selected

from the majority party, but on occasion, the majority party will request the minority party to nominate one of its members to be a chairman — usually, of one of the lesser committees.

17 The organizational task of a minority party is to select a leader, who is called the “minority leader”, and to assign the remainder of its members to the activities of the council and the committees.

IMPACT OF POLITICS ON THE WORKINGS OF THE COUNCIL

18 The powers of the local authority that are not delegated by the council to one of the service committees are exercised in the meetings of the council. Essentially, the council exercises the legislative powers and the major executive powers of the authority and delegates the non-major executive powers and the administrative powers to the service committees.

19 *The only matters that come before the council, usually, are related to*

- (a) *taxation,*
- (b) *borrowing,*
- (c) *the establishment of a major new policy or a significant revision to an existing policy,*
- (d) *a matter that is referred to the council by one of the committees, and*
- (e) *the direct exercise of a power of the local authority that the council has not delegated to a committee or to an officer.*

The council, in the delegation of its powers to a committee, usually delegates to the committee all of the powers and duties of the council that are related to the particular service or services that are assigned to the committee, with the exception of the five items that are described in clauses (a) to (e) of this paragraph.

20 The items that are placed on the agenda of the council are referred to the council for decision by either the policy committee or one of the service committees. Each item of significance has been discussed in the caucuses of the political groups and the lesser items have been discussed by the leaders of the groups. Each item has been discussed in one of the committees and a recommendation of the committee to the council has been made. Because of the discipline of party politics, a recommendation of a committee (the majority of the members of each committee are members of the majority party) or a decision of the leaders of the majority party is reversed, rarely, in a meeting of the council. An exception may arise, of course, if the control of the majority party is precarious.

21 *The effective decisions of the council are taken prior to the formal meetings of the council — in private meetings of the caucuses of the political groups and in private meetings of the service committees. The result is that the meetings of the council are “staged”; the participants in, and the contents of, the debates and discussions are pre-arranged; there is drama, conflict, etc. The meetings are an “ordeal to be endured”.*

22 The participation of the members in the meetings of the council is determined by the leaders of the political groups. Debate is restricted, usually, to the leaders of the groups — the chairmen and the senior members.

23 *One of the most significant effects of local politics on the electors is that, because much of the business of the authority is discussed in private and because the most informative portions of the debates that contribute to the formulation of local public policies take place in private, the amount of information that is available to the electors, by Ontario’s standards, is extremely limited.*

IMPACT OF POLITICS ON THE WORKINGS OF THE COMMITTEES

24 *The most effective input of the local political groups in the affairs of the local authorities is made at the meetings of the committees of the council. As indicated earlier, the committees exercise much of the executive and the administrative powers of the authority.*

25 The meetings of the committees are held in private – the public, the electors, the press are not admitted. There is no incentive for any of the members to take positions that are aimed at the public and the press. Procedural wrangles do not serve a purpose and are rare. Discussion is minimized. Decisions are not delayed.

26 The initiatives of the political groups are taken in committee. From 90 percent to 95 percent of the decisions are taken without a division in party lines. Cross voting is common. Discussion, usually, is free and not controlled on party lines. Conflict between the members is low. Evidence of party discipline is absent – in the great majority of issues. However, if a vote is requested, party discipline is high – particularly among members of local groups that are affiliated with the Labour Party.

27 Many of the more important matters that come before the committees are discussed in caucus and the local groups' positions are determined before the matters are placed on the agenda of the committees.

28 A recommendation of a committee to the council is reversed in the council, rarely.

IMPACT OF POLITICS ON THE CHAIRMEN

29 Most of the work of the local political groups is done in committee. The leaders of the majority party are selected to be the chairmen of the committees and the leading members of the minority party are the chief critics. The leader of the majority party, in addition to his role as the leader of the council, is the chairman of the policy (executive) committee and, frequently, the chairman of other committees. The other leading members of the majority party become the chairmen of the more important committees.

30 The chairman's prime role is political; his secondary role is administrative.

31 From a political point-of-view, the chairmen lead the caucus in the development of policy. They work in the committees to secure the acceptance of the local group's policies. They must exercise leadership, initiative, control, compromise and respect for the opinions of the members of the minority group.

32 From an administrative point-of-view, since the service committees exercise many of the administrative powers of the authority, the chairmen are involved, to a considerable extent, in administration. In many cases, they are "bogged down" in administration – in the direct supervision of the officers and employees.

33 *The chairman of the policy committee and the chairman of the committee or committees that are directly involved, meeting in private, frequently with the officer or officers that are directly concerned with the matter under discussion, will study and discuss an issue and determine policy – subject to the subsequent confirmation of the policy by the majority party's caucus. By such a process, as is the case in most democratic legislative bodies, the power of the local authority, in major issues, is exercised, to a considerable extent, by the leaders and the senior members of the majority party – in this case, in their capacity as the chairmen of the policy and service committees of the council.*

34 Most of the "key" decisions with regard to the budgetary process, for instance, are taken in a similar manner – in private discussions between the chairman of the finance committee, the chairman of the service committee involved and the treasurer. Basic budgetary policy, such as the amount of the rise in the mill rate or the gross amount of a particular class of expenditure is determined in caucus – the remainder of the decisions is left to the discretion of the chairmen – whose duty it is to ensure that their decisions will be supported, subsequently, by the local group's members.

35 Obviously, the impact of the local political groups on the affairs of the authorities is related directly to the abilities, skill and acceptance of the chairmen of the committees.

CAUCUS OF A LOCAL POLITICAL GROUP

36 All of the more important matters that come before the committees of the council and before the council, itself, are discussed in the caucuses of the local political groups and the position of the groups is thrashed out and determined in the caucuses.

37 A caucus is held by the groups before each of the meetings of the council and before many of the meetings of the committees, particularly the more important committees.

38 The meetings of the caucuses are private — the officers of the local authority will not attend a meeting of a caucus.

OFFICERS AND LOCAL POLITICAL GROUPS

39 A system of political politics in a local authority may facilitate the work and the effectiveness of the officers; or may frustrate their work, blunt their initiative and lead to low officer morale and inefficiency. The effect of politics at the local level depends, to a very great extent, on the attitudes and the abilities of the members, particularly the leading members, of the local political groups, especially the majority group.

40 If there is a system of local politics, the successful officer must be familiar with the theories and practices of local politics and the characteristics, organization, political philosophy and the leading members of the local groups.

41 It is essential that the officers understand the role of the political groups in the authority's decision-making processes (and their own role, also, of course) and allocate energy and initiative to attempting to anticipate the legitimate needs of the groups for information, assistance and advice.

42 A system of local politics will facilitate the work of the officers if one of the groups is in the majority and if the chairmen are competent and understanding in their attitude to the administrative processes. Because of the high degree of party discipline and delegation to chairmen, the officers frequently secure major decisions, and particularly smaller decisions, quickly. The leader of the council may inform an officer, confidentially, of an important decision before it is presented formally to the council or to a committee and, thereby, facilitate the implementation by the officers of the policy involved and ease the pressure of work on the officers and employees.

43 A system of local politics will not facilitate the work of the officers if the majority group, in particular, formulates its positions in caucus, especially in the case of important matters, without waiting for the preparation and presentation of a thoroughly prepared and professional report from the officer or officers concerned.

44 One of the chief challenges of the officers is to be sensitive to the needs of the local groups; to anticipate local issues before they arise; to consult with the leaders of the groups with regard to issues and to secure the approval of the leaders in the preparation of thoroughly-prepared reports and studies.

45 A system of local politics increases the pressure on the position of the officers. The officers must strive to maintain their professional status, their independence, integrity, objectivity, neutrality and, yet, must strive to serve the legitimate interests and needs of the local political groups. The officers must remain, of course, outside the groups and be ready to implement the policy of the majority group when it is determined.

46 Obviously, the officer-chairman relationships determine, to a very great extent, not only the working atmosphere of the local authority, but, also, the quality of its decision-making processes and the efficiency of its administrative processes.

POLICY DIFFERENCES BETWEEN LOCAL POLITICAL GROUPS

47 There are few differences in the concepts and the attitudes of the local political groups in England with regard to the public services that are the responsibility of the local authorities.

48 To the extent that there are “party” differences, they tend to be related to the “social” services, such as public assistance, public housing, subsidization of rent and education. The members of the groups that are affiliated with the Labour Party, for instance, are in favour of the lease, but not the sale, of lands owned by the local authorities. (The Greater London Council has followed this policy and has benefitted greatly from the incredible increase in the rentals of the land involved.)

49 The fact that the local political groups are not identified with specific local issues appears to be confirmed by the fact that, in recent years, most of the authorities in the London area and in the Midlands have been controlled, during separate periods, by local groups that are affiliated with each of the national parties – with little apparent change in policies and issues.

50 When a major local swing takes place from the members of one of the groups to the members of another group, as happened, for instance, in 1967, the swing coincides, usually, with a similar swing at the national level. The local swings are not caused by local issues. Councillors are rejected, not on the basis of their performance or the performance of their local group, but on the basis of totally unrelated factors.

PUBLIC’S ATTITUDE TO LOCAL PARTY POLITICS

51 Some indication of the attitude of the public in England to local party politics may be gathered from a review of the Report of the Committee on Management (Maud). The report contains the following information with regard to the attitude of councillors to party politics.

- (a) 33 percent of all of the councillors and as many as 70 percent of the urban councillors were invited to stand for the office of councillor by a local political group.
- (b) 90 percent of councillors of the urban boroughs are of the opinion that the support of a local political group is essential to the election of a person to council. In the rural districts, only 13 percent of the councillors share this opinion.
- (c) 74 percent of metropolitan borough councillors and 66 percent of county borough councillors are of the opinion that the party system is essential to the “work” of the council. Almost all of the rural district councillors disagree with this opinion.
- (d) Local party politics tends to be favoured by those councillors who
 - (i) did not secure an education to the secondary school level,
 - (ii) are manual or agricultural workers, or
 - (iii) had to run for the office of councillor,
- (e) Local party politics tends not to be favoured by councillors who
 - (i) are farmers, members of one of the professions, managers or employers, or
 - (ii) secured the office of councillor without a contest in an election.

52 When local party politics is discussed in England, it is pointed out that the “non-party” authorities also have groups within the council. The members of the groups in such authorities are not selected on a formal “party” basis, but on other bases, such as geographic, social class, a group of “strong” men, etc.

53 The essence of the public’s attitude to local party politics may be summed up, perhaps, by stating its attitude to local government, generally, namely *“the general public is not interested in the affairs of local government – the public’s only interest in such affairs is that the standard of the services provided by local government be adequate and that the rates of local taxation be acceptable”*.

REASONS FOR THE AGAINST LOCAL PARTY POLITICS

54 The correspondence, reports and conversations that were secured, studied or held in the preparation of this chapter, disclose that there are many reasons for and many reasons against the establishment of a system of party politics in local government.

55 The factors tend to be related to the position of the electors, the candidates for the local offices and the local authority.

56 From the point-of-view of the electors, there is a strong opinion in England that a system of local political groups,

- (a) is essential if the policies and programs of a major urban centre are to be managed effectively by a group of like-minded persons who are elected to public office and are accountable to the electors,
- (b) makes it possible for the electors to establish the accountability of the councillors to the electors — the electors can hold the members of the majority party accountable for the policies, the programs and the standard of service of the local authority,
- (c) makes it possible for the electors to form an opinion with regard to the possible future action that the candidates of a particular local group may take in connection with a particular issue,
- (d) ensures that there is a “supply” of candidates for the local elected offices and, thereby, stimulates competition for the offices,
- (e) tends to attract younger and more vigorous persons to local public office, and
- (f) tends to increase the number of electors who will bestir themselves sufficiently to cast a vote in local elections.

57 From the point-of-view of the councillors, there is an opinion in England that a system of local political groups makes it possible for persons of limited financial resources to secure the funds necessary to finance the costs of a local election campaign.

58 From the point-of-view of the local authority, there is an opinion in England that a system of local political groups,

- (a) facilitates the decision-making processes by permitting the councillors to formulate public policy “much more thoroughly” and “well in advance” and by “getting the work done much more quickly”, and
- (b) improves the administrative processes by the quickness of the decisions, the effectiveness of its control and the way in which the system may ease the pressure on the officers,

59 Many reasons are advanced against the establishment of local party politics. Some of these reasons are stated in the following paragraphs.

- (a) The activities of the local authorities, basically, are not of a “political” nature. The work of the authorities is not concerned with principles, the work is concerned with administration and, therefore, “politics” is not needed to administer the activities of the authorities.
- (b) The significant decisions of a local authority, under the local political group system, are made in caucus. The public and the press are not present. Therefore, the public, frequently, is not as well-informed with regard to local issues as it might otherwise be. The question is asked, “Does a system of local party politics make available to the public sufficient information with regard to the local affairs?”
- (c) The acceptance of the consensus of the group, rather than the free expression of personal conviction, is essential to a political system. Many persons are not prepared to serve as a councillor if there is a system of party politics because of the restriction on the freedom of the members of the local groups to express their personal convictions, publicly, and to work publicly for their acceptance. Many strong, independent-minded persons, and persons of the “right calibre” will not offer their services to the public in these circumstances.
- (d) Some candidates, under the local party system are chosen, not because of their knowledge, experience and ability, but because of their membership in one of the local groups.
- (e) National issues, rather than local issues, may determine success at the polls. A few years ago, in England, a wholesale rejection of members of local groups who were affiliated with the national Labour Party occurred at a time when the national party’s fortunes were very low. Many excellent councillors were “tossed out” at the

time without any recognition or acknowledgement of their performance as councillors.

- (f) There is a definite risk that the majority group may take important decisions in caucus (in private) prior to the preparation of a report from the officer concerned and without securing the comments and advice of an officer.
- (g) A system of local politics encourages the chairmen of the service committees to exercise an unnecessarily detailed supervision of the officers that report to these committees and to allocate the bulk of their time to the matters of day-to-day administration. In the absence of a system of local politics, councillors are more inclined to concern themselves, primarily, with matters of legislation, policy, control, representation – the more important matters – and to assign responsibility (and accountability) for the administrative matters to the officers.
- (h) Since the policies of the local authorities are formulated, developed and discussed in the privacy of the caucuses of the local groups and debated and confirmed in the privacy of the meetings of service committees, the electors are dependent for information with regard to the affairs of the local authorities on the reports and recommendations that are presented, publicly, to the council and on the public debates of the councillors. Frequently, the reports are not adequate. Frequently, the debates are “meaningless”.

CONCLUSIONS

60 *A chapter with regard to England's system of local party politics was included in this report because of the availability of first-hand information and opinions.*

61 *A conclusion concerning the desirability of a system of local party politics in Ontario would not be appropriate to this report.*

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